

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, reported the same with amendments, accompanied by a report (No. 2197); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 2317) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to, reported the same without amendment, accompanied by a report (No. 2196); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURKETT: A bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A joint resolution (H. J. Res. 195) for the relief of the families of the miners recently killed by explosion of mines at Coal Creek, Tenn.—to the Committee on Appropriations.

By Mr. NAPHEN: A resolution (H. Res. 268) requesting information from the Secretary of the Interior relating to leased Indian lands—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 269) that the United States should not accept from any foreign nation or erect in any public place any statue of any king, emperor, prince, or potentate who has ruled or is now ruling—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BELL: A bill (H. R. 14692) granting an increase of pension to Ferdinand K. Capansky—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14693) granting a pension to William Mathis—to the Committee on Invalid Pensions.

By Mr. STORM: A bill (H. R. 14694) to provide an American register for the auxiliary schooner Grilse—to the Committee on the Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Central Trade and Labor Council of Connellsville, Pa., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Resolutions of North Fork Post, No. 86, of Hotchkiss, Department of Colorado and Wyoming, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions of Board of Aldermen of the city of Boston, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Resolutions of Musicians' Mutual Benefit Association No. 41, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Resolutions of Shirt, Waist, and Laundry Workers' Union No. 16, of Cohoes, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Petition of J. N. Hart, heir of John S. Hart, late of Robertson County, Tenn., asking that his claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. GORDON: Papers to accompany House bill 14653, granting an increase of pension to William L. Reck—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Resolutions of United Mine Workers' Union No. 111, of Diamond, Iowa, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JACK: Resolutions of Encampment No. 55, Union Veteran Legion, Clarion, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of G. A. McLain and others of Indiana County, Pa., urging the passage of Senate bill 1890, the per-diem pension bill—to the Committee on Invalid Pensions.

By Mr. MCCALL: Resolutions of the board of aldermen of the city of Boston, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McDERMOTT: Petition of F. Randolph and other citizens of Jersey City, N. J., favoring the enactment of bill (H. R. 10793) forbidding railroad officials to separate passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGSLEY: Resolutions of Tammany Hall Democratic Club of the Eleventh district of New York, Social Reform Club, and Clothing Cutters and Trimmers' Association, all of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of National Business League of Chicago, Ill., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: Resolutions of the Boston (Mass.) city government, urging the passage of House bill 7930, to regulate the hours of labor of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the Connecticut Electric Medical Association, favoring the establishment of a psychological laboratory—to the Committee on the Judiciary.

By Mr. SULZER: Resolutions of United Garment Workers and Clothing Cutters and Trimmers' Union of New York City and vicinity, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. THAYER: Resolutions of the board of aldermen of Boston, Mass., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolutions of Mitchell Post, No. 593, Grand Army of the Republic, of Byhalia, Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

SENATE.

MONDAY, May 26, 1902.

Prayer by Rev. W. E. PARSON, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

THE TRANSPORT SERVICE.

The PRESIDING OFFICER (Mr. PLATT of Connecticut) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 21, 1902, certain information relative to the Government transports and the transport service; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

RENTAL OF BUILDINGS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 22d instant, a detailed statement relative to rented buildings occupied by the Treasury Department in the city of Washington; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 22d instant, certain information relative to quarters rented by the Department of Labor in the city of Washington, giving the location, floor space occupied, and annual rent thereof; which, on motion of Mr. GALLINGER, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan; and

A bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2477) granting an increase of pension to Benjamin Zane;

A bill (H. R. 3768) granting an increase of pension to John W. Campbell;

A bill (H. R. 3770) granting a pension to James E. Dickey;

A bill (H. R. 3986) granting a pension to Martha A. Cornish;

A bill (H. R. 4990) granting an increase of pension to George F. Gregg;

A bill (H. R. 5038) granting an increase of pension to William H. Hudson;

A bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell;

A bill (H. R. 5446) granting an increase of pension to James M. Travis;

A bill (H. R. 5480) granting an increase of pension to John C. Nelson;

A bill (H. R. 5866) granting an increase of pension to William P. Schott, alias Jacob Schott;

A bill (H. R. 6186) granting a pension to Carrie B. Farnham;

A bill (H. R. 6991) granting an increase of pension to Ezek B. Chandler;

A bill (H. R. 7760) granting an increase of pension to Thomas Graham;

A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;

A bill (H. R. 8149) granting an increase of pension to James B. Martin;

A bill (H. R. 8573) granting a pension to William McDaniel;

A bill (H. R. 8576) granting a pension to John S. Upshaw;

A bill (H. R. 8780) granting an increase of pension to Pierson L. Shick;

A bill (H. R. 9710) granting an increase of pension to Elizabeth J. Eagon;

A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;

A bill (H. R. 10339) granting an increase of pension to John L. Moore;

A bill (H. R. 10824) granting an increase of pension to George E. Bump;

A bill (H. R. 10856) granting a pension to Jacob Findley;

A bill (H. R. 11250) granting an increase of pension to Arthur L. Currie;

A bill (H. R. 11339) granting a pension to Augustus Blount;

A bill (H. R. 11453) granting a pension to Catharine Freeman;

A bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions;

A bill (H. R. 11865) granting an increase of pension to John A. Robertson;

A bill (H. R. 12009) granting an increase of pension to George Baker;

A bill (H. R. 12019) granting an increase of pension to William Lowe;

A bill (H. R. 12305) granting an increase of pension to Charles Olson;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 12410) granting an increase of pension to Mary Nichols;

A bill (H. R. 12424) granting an increase of pension to Wallace K. May;

A bill (H. R. 12430) granting a pension to Abner H. Lester;

A bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley;

A bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden;

A bill (H. R. 12968) granting an increase of pension to John T. Mull;

A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;

A bill (H. R. 13063) granting an increase of pension to Julia B. Shurlett;

A bill (H. R. 13168) to establish an additional life-saving station on Monomoy Island, Massachusetts;

A bill (H. R. 13237) granting an increase of pension to Elizabeth J. Emery;

A bill (H. R. 13450) granting an increase of pension to Henry Hunt;

A bill (H. R. 13594) granting an increase of pension to Robert Hargreaves;

A bill (H. R. 13613) granting an increase of pension to Charles G. Howard;

A bill (H. R. 13665) granting an increase of pension to George R. Baldwin;

A bill (H. R. 13675) granting an increase of pension to George W. White;

A bill (H. R. 13684) granting an increase of pension to Charles F. Wright;

A bill (H. R. 13886) granting an increase of pension to Henry Rogers;

A bill (H. R. 13944) granting a pension to Margaret Ann West;

A bill (H. R. 13946) granting an increase of pension to Stephen B. Todd;

A bill (H. R. 13999) granting an increase of pension to Dennis Cosier;

A bill (H. R. 14012) granting a pension to Fannie Reardon;

A bill (H. R. 14052) granting an increase of pension to George Fusselman;

A bill (H. R. 14055) granting an increase of pension to Samuel Brown;

A bill (H. R. 14087) granting a pension to Lizzie Dunlap;

A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;

A bill (H. R. 14146) granting an increase of pension to John Murphy;

A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg;

A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur;

A bill (H. R. 14241) granting an increase of pension to Peter Dugan; and

A bill (H. R. 14374) granting a pension to Samantha Towner.

The foregoing House pension bills were subsequently read twice by their titles and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, of Gouverneur, N. Y., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Church Association for the Advancement of the Interests of Labor, of New York City, remonstrating against the operations of the so-called beef trust; which was referred to the Committee on the Judiciary.

He also presented a petition of the United Garment Workers' Local Union of New York City, praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. CULLOM presented petitions of Local Division No. 83, Order of Railway Conductors, of Galesburg; of Local Division No. 294, Brotherhood of Locomotive Engineers, of Chicago, and of Lodge No. 470, Brotherhood of Locomotive Firemen, of Murphysboro, all in the State of Illinois, praying for the passage of the so-called Grosvenor anti-injunction bill; which were ordered to lie on the table.

Mr. MASON presented a petition of the board of directors of the Women's Club of Peoria, Ill., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the repeal of the duty on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

He also presented petitions of Lodge No. 285, Brotherhood of Railroad Trainmen, of Chillicothe; of sundry citizens of La Salle; of Local Division No. 302, Brotherhood of Locomotive Engineers, of Chicago; of Lodge No. 138, Brotherhood of Locomotive Firemen, of Freeport; of Lodge No. 116, Brotherhood of Railroad Trainmen, of Mattoon, and of Lodge No. 4, Brotherhood of Railroad Trainmen, of Chicago, all in the State of Illinois, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. HARRIS presented a petition of Local Union No. 444, United Mine Workers of America, of Frontenac, Kans., praying for the passage of the so-called anti-injunction bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Wholesale Liquor Dealers' Association, of St. Louis, Mo., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Woman's Christian Temperance Union, of Alexandria, Ind., praying for the adoption of certain amendments to the so-called anticanfeen law; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report accompanied by a bill (S. 5964) to provide for rebuilding the Aqueduct Bridge, District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the joint resolution (S. R. 84) to permit the erection and use for lighting purposes of overhead electric wires outside of the fire limits, east of Rock Creek, District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 21st instant, authorizing the Secretary of the Treasury to advance, on requisition of the Commissioners of the District of Columbia, in the manner now provided by law, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary from time to time to meet the expenses of the District of Columbia, as already provided by law, etc., intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on March 10, 1902, proposing to appropriate \$10,000 for fireproof bookshelves and file cases in the office of the recorder of deeds, and also \$10,000 for reindexing old records and for tract or property indexes, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate \$100,000 for the purchase of a site and toward the erection of a building for a business high school, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5893) granting an increase of pension to Willie Thomas;
A bill (H. R. 11686) granting a pension to Eleanore F. Adams; and

A bill (H. R. 13296) granting an increase of pension to Francis Scott.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5361) granting an increase of pension to Martha A. Johnston, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5491) granting a pension to John R. Sandbury, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. McMILLAN on the 29th ultimo, proposing to appropriate \$25,000 to aid in the reconstruction of the building for the Homeopathic Hospital, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McMILLAN on the 17th ultimo, proposing to appropriate \$5,500 for 11 medical inspectors of public schools at \$500 each, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McMILLAN on the 6th instant, proposing to appropriate \$4,300 for paving Wyoming avenue west of Connecticut avenue, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 6th instant, authorizing the Commissioners of the District of Columbia to grant not more than thirty days' leave of absence to each per diem employee who has been continuously in the service of the District for one year, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 12th ultimo, authorizing the Commissioners of the District of Columbia to acquire for and in the name of the District of Columbia Analoatan Island, in the Potomac River, near the city of Washington, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. STEWART on the 21st instant, proposing to increase the salary of the sanitary and food inspector of the health department, District of Columbia, from \$1,600 to \$2,400, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BARD, from the Committee on Fisheries, to whom was referred the bill (S. 3248) to establish a fish hatchery and fish station in the State of Maryland, reported it without amendment, and submitted a report thereon.

Mr. MORGAN. I am directed by the Committee on Inter-oceanic Canals, to whom was referred the bill (S. 5676) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, to submit an adverse report thereon. I move at the request of the senior Senator from Massachusetts [Mr. HOAR], who introduced it, that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the 500 copies of Senate Document No. 330, Fifty-seventh Congress, first session, heretofore ordered printed for the use of the delegates to the Second International Conference of American States, be bound 100 copies in half morocco and 400 copies in cloth.

EDWIN YOUNG.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5924) granting an increase of pension to Edwin Young, to report it with an amendment, and, as this is a very urgent case, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in line 6, after the word "Company," to strike out "C" and insert "A;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Young, late of Company A, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5965) granting an increase of pension to John Wilder;
A bill (S. 5966) granting an increase of pension to Charles F. Leimer; and

A bill (S. 5967) granting an increase of pension to Mary E. Craig.

Mr. QUAY introduced a bill (S. 5968) to authorize the promotion and retirement of the present senior major-general of the Army; which was read twice by its title.

Mr. QUAY. In connection with the bill I present a transcript of the military record of John R. Brooke, major-general, United States Army. I move that the transcript be printed as a document, and that it be referred, with the bill, to the Committee on Military Affairs.

The motion was agreed to.

Mr. GALLINGER introduced a bill (S. 5969) construing the provisions of the act approved March 3, 1879, exempting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. McMILLAN) introduced a bill (S. 5970) to amend an act entitled "An act to incorporate the National Florence Crittenton Mission;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 5971) for the relief of the

Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5972) granting an increase of pension to D. Rodney Browne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5973) for the relief of the widow of Joseph Culley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5974) granting an increase of pension to Joseph Wardle (with accompanying papers);

A bill (S. 5975) granting a pension to Sarah A. Adams; and

A bill (S. 5976) granting an increase of pension to Milton Frazier (with accompanying papers).

Mr. MALLORY (for Mr. VEST) introduced a bill (S. 5977) for the relief of the estates of William Curry, William Pinkney, and James Filor, all deceased, partners in the ownership in real estate; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 5978) granting a pension to G. F. Duke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5979) granting a pension to Katie L. McBane;

A bill (S. 5980) granting an increase of pension to Jechonias Rutledge; and

A bill (S. 5981) granting an increase of pension to Harvey Miller.

Mr. FAIRBANKS introduced a bill (S. 5982) to correct the military record of George R. Sturgeon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. DIETRICH submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table, and to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate \$100,000 for grading, regulating, and improving Sixteenth street NW. from Morris street northward, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$10,000, to be expended under the direction of the Secretary of Agriculture for the improvement of that portion of Potomac Park lying south of the railway tracks, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000, to be expended under the direction of the Board of Education for vacation schools, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to prohibit the sale of intoxicating liquors by any person on board a vessel belonging to the Navy or within the limits of navy-yards and stations or marine barracks, etc., intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WETMORE submitted an amendment proposing to appropriate \$200,000 toward the erection of a plant for housing and storing torpedo vessels, naval coal depot, Narragansett Bay, R. I., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to increase the salaries of 11 supervising principals of the public schools in the District of Columbia from \$2,000 to \$2,500 each, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JOSEPH M. SIMMS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

Mr. MARTIN. I move that the Senate disagree to the amend-

ment of the House and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. FRYE, Mr. McMILLAN, and Mr. MARTIN were appointed.

STORM-WARNING STATIONS AT SOUTH MANITOU ISLAND.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan; which was, in line 8, after the word "telegraph," to insert "cable."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 11599) to redivide the district of Alaska into three recording and judicial divisions was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 13168) to establish an additional life-saving station at Monomoy Island, Massachusetts, was read twice by its title, and referred to the Committee on Commerce.

STATEMENTS BY FILIPINOS.

Mr. HOAR. I introduce a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested, if not in his opinion incompatible with the public interest, to inform the Senate whether there be any law or regulation in force in the Philippine Islands which will prevent any native of those islands who may so desire, not under arrest and against whom no charge of any offense against the United States is pending, from coming to the United States and stating his views or desires as to the interest of his people to the President or either House of Congress.

Mr. LODGE. I ask that the resolution may go over. I have simply heard it read, and I should like to examine it.

Mr. HOAR. I should like to state that it is merely an inquiry, there being a good deal of public want of understanding on the subject as to whether there is now any law in force in the Philippine Islands which will prevent any peaceable Filipino, against whom there is no pending charge whatever, either of resistance to the United States or anything else, from coming to the United States if he sees fit.

Mr. LODGE. I have no doubt that the resolution is absolutely desirable and unobjectionable, but it is an important one, and I should like to have an opportunity to look at it. I should like to have it go over for a day.

The PRESIDING OFFICER. The resolution will go over.

PROPOSED INQUIRY INTO SUBJECT OF LYNCHINGS.

Mr. GALLINGER. Mr. President, I offer a resolution, and after it is read I will ask the unanimous consent of the Senate to be permitted to make some brief observations on the subject.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary is hereby directed to make inquiry into the subject of lynchings in the United States and to report to the Senate whether, under the laws and Constitution of the country, there is any remedy for the evil.

Mr. GALLINGER. I ask unanimous consent, before the resolution shall be disposed of, to make some brief observations on the subject.

The PRESIDING OFFICER. If there is no objection to the present consideration of the resolution, it is before the Senate, and the Senator from New Hampshire is recognized.

Mr. GALLINGER. Mr. President, in offering the resolution that has just been read I am not unmindful of the fact that I take the risk of being charged with a purpose to precipitate a sectional controversy, but I beg to assure the Senate that nothing is farther from my thoughts. Indeed, statistics which I shall submit will show that lynchings have not by any means been confined to the South, several horrible cases having occurred in the North, and it is equally true that white men as well as black have been lynched. The truth is that all over our land there is intense interest in this matter, many good people bitterly complaining that the strong arm of the Federal authority should be used to suppress the evil, and, in view of that fact, it seems to me important that the Judiciary Committee of this body shall take the matter into careful consideration, with a view to giving the country definite information on that point. If the strong arm of the Federal power can be reached out and take cognizance of this abnormal sociological condition, it is well that the country should know that fact, and if we are powerless to do anything, except under the operation of State laws, it is equally desirable that that fact should be made known to all our people. During the entire period of my service in this body I have been receiving letters on this subject, and it will be a relief to me personally, as I doubt not it will be to other Senators, to be able to furnish an authoritative statement to those who desire accurate information concerning the relations of the Federal Government to this heinous crime.

While the number of lynchings in the years 1885, 1886, 1888, 1889, 1891, 1892, 1893, 1894, 1895, and 1897 were greater than last year, the reports show an increase in 1900 of 8 over those of 1899. A still further increase must be noted in 1901, an increase in brutality as well as in number, the record standing 107 in 1899, 115 in 1900, and 135 in 1901. The following table, taken from the Chicago Tribune of January 1, 1902, shows the number of lynchings in the last seventeen years, and will be of value to those engaged in the study of this branch of criminology:

1885.....	184	1895.....	171
1886.....	138	1896.....	131
1887.....	122	1897.....	166
1888.....	142	1898.....	127
1889.....	176	1899.....	107
1890.....	127	1900.....	115
1891.....	192	1901.....	135
1892.....	235		
1893.....	200	Total.....	2,658
1894.....	190		

The lynchings in the various States and Territories were as follows:

Alabama.....	15	New York.....	0
Arkansas.....	5	Nevada.....	0
California.....	6	North Carolina.....	1
Colorado.....	0	North Dakota.....	0
Connecticut.....	0	Ohio.....	0
Delaware.....	0	Oregon.....	0
Florida.....	7	Pennsylvania.....	0
Georgia.....	14	Rhode Island.....	0
Idaho.....	1	South Carolina.....	5
Illinois.....	0	South Dakota.....	0
Indiana.....	1	Tennessee.....	12
Iowa.....	0	Texas.....	11
Kansas.....	2	Vermont.....	0
Kentucky.....	7	Virginia.....	2
Louisiana.....	15	West Virginia.....	1
Maine.....	0	Wisconsin.....	0
Maryland.....	0	Washington.....	0
Massachusetts.....	0	Wyoming.....	0
Michigan.....	0	Arizona.....	1
Minnesota.....	0	District of Columbia.....	0
Mississippi.....	16	New Mexico.....	0
Missouri.....	6	Utah.....	0
Montana.....	4	Indian Territory.....	1
Nebraska.....	0	Oklahoma.....	2
New Jersey.....	0	Alaska.....	0
New Hampshire.....	0		

I am glad to note that not a single lynching has occurred in the New England States.

Of these lynchings, 131 occurred in the South and 14 in the North. Of the total number, 107 were negroes, 26 whites, 1 Indian, and 1 Chinaman. The alleged crimes for which they were lynched were as follows: Murder, 39; criminal assault, 19; theft, 12; murderous assault, 9; attempted criminal assault, 8; cattle and horse stealing, 7; complicity in murder, 6; quarrel over profit sharing, 5; arson, 4; suspected murder, 3; suspected criminal assault, 1; murder and criminal assault, 1; train wrecking, 1; alleged theft, 1; keeping a gambling house, 1; suspected of killing cattle, 1; resisting arrest, 1; insulting a white woman, 1; burglary, 1; forcing a white boy to commit crime, 1. Besides these, 9 were lynched because of race prejudice, 3 for unknown reasons, and there was 1 case of mistaken identity.

It will be observed, Mr. President, which I think is contrary to the general opinion, that a comparatively small proportion of the lynchings were for criminal assault, the only offense that, so far as I know, has been considered of sufficient gravity by anyone to justify such action. Many of them were for comparatively mild offenses, the fury of the mob being entirely without reason or justification. The terrible cruelties inflicted upon the wretched creatures who were helpless in the hands of infuriated men and women have been such as to shock the moral sensibilities of our people, and to lead many thinking persons to almost despair of the efficacy of law and order in our country.

The papers of this morning contain an account of the lynching of a white man in Missouri, the victim being a murderer. He was in custody, awaiting trial, but was summarily dealt with by a mob, who apparently could not wait to have the law take its usual course.

As an illustration of the horrible cruelties sometimes inflicted by those who take the law into their own hands, I beg to request that the Secretary shall read the following account from the Washington Post of Friday last.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

Mr. GALLINGER. Read headlines and all.

The Secretary read as follows:

ATROCITY IN TEXAS—NEGRO BURNED TO DEATH BY PITILESS EXECUTIONERS—SLOW TORTURE AT STAKE—CLAMOROUS CROWD NUMBERING THOUSANDS WITNESS THE BURNING—HUNTED DOWN AND IDENTIFIED, DUDLEY MORGAN ADMITS HIS GUILT, AND THE HUSBAND OF THE PRISONER'S VICTIM APPLIES THE TORCH—CHARRED REMAINS EAGERLY SOUGHT BY SOUVENIR HUNTERS—HIS CAPTORS HELD UP OVER HEADS OF CROWD AND PHOTOGRAPHED.

LONGVIEW, TEX., May 22, 1902.

The culmination of a man hunt which has been in progress since last Saturday was reached to-day when Dudley Morgan, colored, who assaulted

Mrs. McKee, wife of a Texas and Pacific foreman, at Lansing, Tex., was burned at the stake near Lansing.

It was learned this morning that the negro had been captured and was being taken to Lansing for identification, and by 11 o'clock great throngs had gathered at the Lansing switch and, looking over the ground, decided to make arrangements to burn the negro about a quarter of a mile away on the line of the county road.

The place of execution decided upon was an open plot, smooth and covered with grass, being hedged in by high trees, which formed an opening 200 yards wide and 300 yards long. The trees were literally lined with people an hour before the negro arrived.

At 11 o'clock the train bringing the negro and his captors arrived in Marshall, near which place he was captured, and was met by a great crowd of people. Many more boarded the train at intermediate points and when it arrived at Lansing every car was crowded. Waiting at Lansing was another large crowd from Long View and the surrounding country.

HIS IDENTITY ESTABLISHED.

The prisoner was taken from the train to the section house, which stands close to the track, and positively identified by Mrs. McKee and several negroes who worked on the section with Morgan. The negro was escorted by 200 men, armed with Winchesters, to the place of execution. As he was chained to the stake he said he desired to make a statement. The crowd surged around him, and those in charge tried in vain to make them stand back and keep quiet while the negro talked. The negro made a statement in which he implicated another negro named Franklin Heard, saying he (Heard) was to get part of the money which was to be stolen.

Morgan confessed to having committed the crime, and after having been securely tied to the stake with his hands and legs free, the members of the mob began to take railroad ties from a fire already started and burn out his eyes. They held the burning timbers to his neck, and, after burning his clothes off, to other parts of the body. The negro screamed in agony. He was tortured in a slow and painful manner, with the crowd clamoring continuously for a slower death, and the negro, writhing and groaning, begged piteously to be shot.

Mrs. McKee was brought to the scene in a carriage, accompanied by four other women, and an effort was made to get the carriage close enough for her to see the negro. The crowd was so dense, however, that it was impossible.

CREMATION FOLLOWS TORTURE.

Persons held each other on their shoulders, taking turn about looking at the awful sight. The negro's head finally dropped and the ties were piled around and over him. In half an hour only the trunk of the negro remained. As soon as the heat would permit, parts of his skull and body were gathered up by some and carried away. As the fire died down the crowd took the two men who first caught the negro and held them up over their heads, while they held their Winchesters in their hands, and were photographed.

Section Foreman McKee, husband of the woman assaulted, applied the match to the faggots. Many women were present from the surrounding country, but owing to the great crush they had very little opportunity to see the negro until the heat forced the crowd to widen the circle and the flames leaped over him.

The railroads brought crowds of people to Longview Junction, where they boarded a limited train which does not ordinarily stop at Lansing. The engineer was forced at the point of a Winchester to stop at the scene of the lynching, however, and the mob disembarked.

Mr. GALLINGER. Mr. President, the Spanish inquisition does not furnish a case exceeding in horrible and inhuman torture the one just read, and Fox's Book of Martyrs is tame in comparison. It will be noted that it did not occur in the interior of Africa or in the islands of the sea, but in Christian America, where the highest principles of an enlightened civilization are supposed to be exemplified. The whole wretched business is a disgrace to American manhood, in face of which the alleged atrocities in the Philippine Islands pale into insignificance. I apprehend that it will be said that the Government is powerless and that the State has exclusive jurisdiction over such offenses. Very likely that is so, and if so, it places upon the American people the responsibility of arousing public sentiment, in the North as well as in the South, to the end that such inhuman and barbarous cruelties may come to an end and the majesty of the law be upheld and vindicated.

Now, Mr. President, I beg to express the hope that the resolution may be passed, and that the Committee on the Judiciary may in due time make report on the subject.

The PRESIDING OFFICER. The Senator from New Hampshire asks for the adoption of the resolution. Is there objection?

Mr. TILLMAN. Let it be read.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the resolution.

Mr. BAILEY. I understand the Senator from New Hampshire has asked unanimous consent for the present consideration of the resolution?

The PRESIDING OFFICER. He asks for the present consideration of the resolution.

Mr. GALLINGER. I do, of course.

Mr. BAILEY. I think I should like to say something on the resolution before it is adopted. I will say now that I have no idea of being drawn into any sectional debate by the Senator from New Hampshire or any other Senator on this floor.

Mr. GALLINGER. The Senator from Texas will permit—

Mr. BAILEY. I am more than content to let the country judge the men who seek to provoke that kind of a controversy. But the legal inquiry whether Congress has any power to go into the States and take charge of their peace and good order presents a question which I shall probably desire to discuss, and I ask that the resolution may lie over.

Mr. GALLINGER. Mr. President, two points in answer to the Senator from Texas.

First, the Senator from New Hampshire explicitly disclaimed

any desire or wish to provoke a sectional discussion, and undertook to make that statement very clear in the moderate observations he made on the subject.

As to the power of the Federal Government, the Senator from New Hampshire ventures to say that he very much questions it, but in view of the fact that many good people in the country felt that the Federal power ought to be exercised he would be glad if the Committee on the Judiciary would give an authoritative statement on that point.

That was all the purpose I had in view. The Senator is wrong in suggesting that I had any purpose of introducing anything that would result in a sectional controversy. I had no such purpose, and I beg for the third time to disclaim having had any such purpose.

Of course, Mr. President, if the Senator wishes to be heard on the resolution it ought to lie on the table. I had hoped the Senate would let it go to the committee, and when the committee made its report if there was any reason then for discussion it might be had at that time, but of course I wish to do whatever the Senator from Texas desires to have done with the matter.

Mr. BAILEY. Mr. President, there can be no reasonable objection, I take it, to a report from the Committee on the Judiciary on this subject, because I am sure that there could be but one conclusion reached by that committee. But if in the course of its investigation and its report it is undertaken to parade before the country all the lynchings and burnings that have occurred in one section for a nameless offense and the murders of women and the abductions of children that have occurred in other sections of the country, it seems to me the only result would be to make us think less of ourselves as a people, and I have little disposition to indulge in that work. For that reason I shall probably resist the adoption of the resolution.

The PRESIDING OFFICER. The resolution lies over.

Mr. CULBERSON subsequently said: In my absence from the Chamber the Senator from New Hampshire, I am informed, read or caused to be read, a newspaper account of an act of mob violence in my State, to which my colleague has responded. I desire in this connection to have read at the desk a dispatch in the Washington Post from Leavenworth, Kans., dated January 15, 1901. I ask that it may be read and that it be taken in connection with what has been read by the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that there may be read a dispatch in a newspaper which he sends to the desk. Is there objection?

Mr. ALLISON. I ask the Senator from Texas whether it relates to the same matter which we have had under consideration?

Mr. CULBERSON. It relates to a similar matter. It bears upon the subject the Committee on the Judiciary is requested to investigate.

Mr. ALLISON. I shall make no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NEGRO BURNED BY MOB—BOUND TO STAKE, SATURATED WITH OIL, AND SET ON FIRE—SAVAGE DEED AT LEAVENWORTH—JAIL DOORS FORCED AND FRED ALEXANDER DRAGGED TO SCENE OF HIS ATTACK ON MISS EVA ROTH, WHERE A CROWD OF 8,000 PERSONS WITNESSED HIS DEATH IN FLAMES—AUTHORITIES SEEMINGLY HELPLESS TO STEM THE OUTBURST OF PUBLIC FURY.

LEAVENWORTH, KANS., January 15, 1901.

Fred Alexander, the negro who on Saturday evening attempted to assault Miss Eva Roth, and who was supposed to have assaulted and killed Pearl Forbes in this city in November last, was taken from the sheriff's guard by a mob to-day and burned at the stake at the scene of his crime, half a dozen blocks from the center of the city. Probably 8,000 people witnessed the lynching.

The negro was taken from his cell at the State penitentiary at 3 o'clock this afternoon, placed in a hack, and brought to town. Fifty deputy marshals surrounded him, and Deputy Sheriffs Stance, Myers, and Thomas Brown sat in the hack on either side of him. There were 50 buggies and wagons in the procession which followed the hack. The trip to town was made quietly, and there was no attempt to create a disturbance on the road.

When the corner of Fourth and Olive streets was reached, the police who were in the hack following the one in which Alexander was concealed jumped out and chased several negroes. This created a diversion, which attracted the attention of everyone, and during the excitement the hack in which Alexander was concealed was frantically driven to the county jail, where he was locked in a cell just as the mob reached the doors. All the doors of the jail were then locked.

FORCED AN ENTRANCE TO THE JAIL.

The crowd first attempted to gain admission by peaceful means, but Sheriff Everhardy refused to deliver the negro. Then the crowd pushed its way to the side door, and, using one man as a battering ram, the door was forced from its hinges. Then the crowd surged into the corridors by the narrow doorway. A huge iron bar was secured and the iron door of the cell room attacked. This was finally bent so that it could be forced far enough back for men to climb over it. Several gained an entrance in this manner. In the meantime the crowd had pushed down the side gate of the stockade, and in a moment there was a yelling pack in the jail yard.

The side door, which was made of heavy sheet iron, was then next the object of attack. Several men had provided themselves with sledge hammers and chisels, and it was the work of only a few moments before the hinges were cut from inside, and off came the door. More men pushed inside, the iron bar was again called into play, and the doors of the cell room broken down. Then the cry went up:

"He is not here; he has escaped."

"Search the court-house; there is a tunnel between, and he has been taken out that way."

Then a man with sharp eyes espied a shapeless mass crouched down in one corner of the dark cell. An exultant cry went up:

"He is here; we've got him; bring the keys."

STRUGGLE IN THE NEGRO'S CELL.

Several keys were found lying around the corridors, and these were passed in to the crowd. They would not work. Then again a sledge hammer was called into action, and in five minutes the heavy lock had been broken off. A yell of terror issued from the cell. The tension at this time was so great that strong men filled the corridors with hysterical laughter. Outside the crowd was yelling itself hoarse. Then into the cell rushed those who were nearest the door.

The mob issued forth in a moment, dragging the negro by the coat collar. He had been struck over the head with a hammer, but was still conscious. Men fought to get at him, and, infuriated, struck savagely at him, hitting only his captors, who guarded him well.

"Don't hurt him," they cried.

"We'll burn him!" was the response.

Alexander and his captors were surrounded by a solid wall of human flesh. Across Third street and up the hill into the court-house yard they dragged him.

"Confess before we harm you," said they.

DECLARES HIS INNOCENCE.

"I am innocent. I am dying for what another man did. I see lots of my friends here; they know I did not do it. If I had been guilty I would have said so at the penitentiary, and would have stayed there for life. The warden told me so. The policemen told me so. Would not I have told them if I was guilty?"

"You lie!" they cried, and one huge fellow struck Alexander in the forehead with his fist three times. This seemed not to have the slightest effect on the negro.

When he had finished talking a move was made for a large cottonwood tree in a corner of the court-house yard. The negro was backed up against it and a chain was hunted for. One could not be found, and while they waited Alexander was given another chance to confess.

"My God, men!" he cried in his agony. "I have told you that I am innocent. I can't tell you any more. I didn't do it."

"He lies! Burn him!" cried the mob.

"Take him where he committed the murder," suggested one.

The suggestion met with instant approval, and the crowd, carrying the negro, pushed on toward Fourth street. There were many wagons standing about, and into one of these they threw him. The wagon was started for the vicinity of Lawrence avenue and Spruce street, followed by the crowd.

WHERE PEARL FORBES WAS SLAIN.

At 5.15 o'clock Alexander was brought to the scene of the murder of Pearl Forbes, at the corner of Lawrence avenue and Spruce street. The exact spot where the murdered girl was found was located by the leaders of the crowd, and there a semicircle was formed. Alexander was brought up in a wagon with a dozen men. The wagon was stopped in front of the ravine, and, surrounded by the crowd, the leader of the men, who held Alexander, called for silence. The roar ceased and Alexander was shoved forward into full view of the crowd. A howl went up, which was quickly hushed, as the prisoner raised his shackled hands and began to speak. Twice he started, but the crowd drowned his trembling voice.

"You are going to kill me, whatever I say," he said, "but you men are wrong. I want to tell you right now you've got the wrong man. I did not do that, and some day you men here will run up against the man who did. I know it ain't any use to say so, for you're going to kill me, but I didn't do it."

The men standing behind Alexander then shoved him from the wagon, and the roar from the crowd drowned every other sound. The negro was quickly driven down the embankment to the pile of wood, with his hands still shackled, and there bound to the stake.

Long before the wagon containing the doomed man arrived at the place a crowd had gathered. Many carried riffs and boards. Several seized railroad irons and carried them to the ravine. The spot chosen for the stake was the exact one on which Pearl Forbes's body was found on the morning of November 7.

The first thing done was to plant a railroad iron upright in the mud. This was made fast to cross irons, firmly bound to the upright iron with wire. Around the improvised stake wood and boards were piled. To this the man was dragged and chained in a standing position to the upright railroad iron. Chains and irons were wrapped about him, and, with his hands still shackled, he was made fast to the post. Coal oil was then poured over him.

Before the match was applied John Forbes, father of the murdered girl, stepped up to Alexander and said:

"Are you guilty of murdering my daughter?"

"I don't know what you have me here for," said Alexander.

Forbes replied: "For killing my girl on this very spot."

"Mr. Forbes, if that's your name, you have the wrong man," said the negro.

"Burn him; burn him!" cried the crowd.

"Gentlemen, you've got lots of time," said Alexander. "You're burning an innocent man. You took advantage of me. You gave me no show. Can I see my mother?"

A man in the crowd called for the mother, but she was not present.

Alexander then said: "Will you let me shake hands with all my friends?"

"You have no friends in this crowd, you d—d beast," said one of the men having charge of the negro. "If you have anything to say, say it in a hurry."

Another man then stepped up and said to Alexander: "Make your peace with your God, nigger, for you will surely die."

MATCH APPLIED BY PEARL'S FATHER.

Coal oil was then applied for the second time, and while it was being done Alexander called to acquaintances in the crowd and said good-bye to them. He did not seem to realize that he was to be burned at the stake, and talked rationally until John Forbes, the father of the murdered girl, lighted a match. Again Alexander was asked to make a confession, but he replied that he had nothing to say.

As the flames leaped about him Alexander turned a ghastly hue and, clapping his hands together, began to sway to and fro while the crowd yelled.

In five minutes the negro was hanging limp and lifeless by the chains that bound him. As soon as the crowd saw that life was extinct it began to slowly disperse. Hundreds, however, stayed to the last.

Men kept piling on wood all the time until about 7 o'clock, when the flames were allowed to die down. From 6 to 8 o'clock there was a continuous stream of people going to the scene of the burning. These were persons who had been unable to get away from their work in the afternoon and who were determined not to miss seeing the awful spectacle.

When the fire had died down sufficiently to allow the crowd to approach the remains of Alexander there was a wild scramble to obtain relics. Bits of charred flesh, pieces of chain, scraps of wood, everything that could possibly serve as a souvenir, was seized on with morbid eagerness.

After Alexander's arrest he was taken before Miss Roth, who identified

him. Since then a mob has surrounded the penitentiary day and night. To-day the crowd became so formidable that Governor Stanley, in response to a telegram from Warden Tomlinson, ordered two companies of militia to be in readiness to start for Leavenworth at a moment's notice.

Governor Stanley ordered Warden Tomlinson to refuse to turn Alexander over to the sheriff unless he agreed in writing to protect him.

About 9 o'clock the coroner and two policemen took the remains to an undertaker's establishment. The coroner's jury has been named, but the inquest will not be held for a few days.

The remains were viewed by thousands, and up to the time they were taken away carriages and vehicles were continually passing by the spot.

PROMISED TO PROTECT PRISONER.

The sheriff was taken sick during the excitement at the county jail and is now confined to his bed. Admittance to the room is denied, and a statement from him to-night is unobtainable. The sheriff asked the governor for the State militia by telephone, and the governor replied that he would send the militia, but would require a written request or a telegraph message. This, for some reason, it is said, was not sent.

There was no request made for the protection of United States troops from Fort Leavenworth. The sheriff, upon requesting the delivery of Alexander to him, said that he thought he would be able to protect the life of the prisoner, and the warden, upon this assurance, turned him over.

Just before the party left the penitentiary for the jail the warden requested and received the following receipt for the delivery of Alexander:

"Received from J. B. Tomlinson, warden of Kansas State penitentiary, the body of one Fred Alexander, who has been in custody of said warden for safe keeping since 10 p. m. January 12, 1901. I hereby represent to said Tomlinson that I am prepared to and will give protection to the life and body of said Alexander against mob violence to the full extent of the powers vested in me by law.

"PETER EVERHARDY, Sheriff."

Mr. GALLINGER. Just a word, Mr. President. I supposed that the resolution which I introduced had gone over, and I left the Senate Chamber. I observe that what has just been read are the details of a case of burning, I think, in the State of Kansas. Am I correct? I will ask the Senator from Texas.

Mr. CULBERSON. You are correct.

Mr. GALLINGER. In the observations I made I stated that lynchings had occurred in the North as well as in the South, of white men as well as of colored men. I cited the fact that there had been lynchings in several of the Northern States. I did deprecate the practice, the evil, as I called it, and I certainly am quite as much opposed to it in one section of the country as in another. It is not a sectional matter, and I certainly did not intend to make it appear that such was the fact.

I am glad the Senator from Texas has put this case in the RECORD. It is a horrible case, as I recall it, and shows what the passions of men will do when they take the law into their own hands, which I always deprecate.

Mr. CULBERSON. I am certainly glad to hear the condemnation of this lynching in Kansas by the Senator from New Hampshire, but I regret exceedingly that he saw fit to present the horrible details of only one case, and that reported from my State.

Mr. GALLINGER. I will say that that is the only one I had at hand. If I had had this one, which I had a vague recollection of, I should certainly have put it into the RECORD likewise, because, perhaps, in atrocity it excels the one I did put into the RECORD.

Mr. CULBERSON. I will further say to the Senator that if he has occasion hereafter to make any remarks upon this subject I can furnish him detailed accounts in other Northern States of similar occurrences, which he can read in connection with his remarks if he desires.

Mr. GALLINGER. I shall be obliged to the Senator for any help he may render me, but I think when the Senator reads the RECORD he will not be very much disturbed over what I have done on this question. I did it on my own responsibility and in answer to the demands of as good people as there are in this country. If my word is not to be taken that I had no purpose of doing injustice to any section of the country or any State in the country, of course the matter must go without further discussion on my part.

Mr. HOAR. I ask leave to say one or two words on this matter, as it has been proposed to send the subject to the Judiciary Committee.

The PRESIDING OFFICER. The resolution is not before the Senate, and debate is proceeding by unanimous consent.

Mr. HOAR. I so understand.

The PRESIDING OFFICER. If there be no objection, the Senator from Massachusetts will proceed.

Mr. HOAR. Mr. President, I suppose all the members of this body would sincerely regret any necessity for reciting in any large numbers the details, so terrible and revolting, of transactions such as have been referred to. The Senator from New Hampshire [Mr. GALLINGER], with great propriety and moderation, confined himself to one single example of the evil which he seeks to reach, if it can be reached under the constitutional authority of Congress. I suppose the representative of no State and of no section, if there be such in this country, will, after reflection, be willing to treat the allusion to an offense of that kind as a sectional attack. It would be a terrible plea of guilty, which, I am sure, the representatives of no part of the American Union will ever make or could ever justly make. So I hope that if the

Senate or the Judiciary Committee find it a duty to discuss our constitutional power over this matter, it will be discussed as a question of constitutional law, of constitutional power, of constitutional duty, without heat and without anger; and I am sure that no Senator will question what I say when I say that such a recital such as that we have listened to, coming one from one side of this Chamber and the other from the other, thrills with horror every generous and brave heart. I would not do my worst enemy the wrong to doubt what must be his feeling on such a matter as that.

Mr. President, I perhaps ought to state what did not at the time come with much emphasis to the attention of the Senate, that the Judiciary Committee have had before them this question in one of its branches at the present session. A bill directly providing for the trial and punishment of this class of offenses in the courts of the United States was presented to the Senate, drawn by a very able and eminent lawyer, formerly an attorney-general of Massachusetts, with a very able brief, which he prepared. He thought if Congress were to determine that the States did not in fact provide for the victims of such offenses the protection of the law, that that opinion entertained by Congress would be a proper foundation for the exertion of authority here. The committee were not able to take that view, and I think unanimously—though I can not affirm now what members of the committee were and were not absent—I was instructed to make a report by all the members who were present to that effect, and to recommend the indefinite postponement of the measure; which was done by the Senate.

Of course we all remember the decisions of the Supreme Court of the United States in regard to the kindred question, if it be a kindred question, at any rate a question which has come up as affecting the colored people primarily, that the mere fact, if it were found to exist, that the colored people in some cases were deprived of their right to vote would not warrant a taking jurisdiction of that subject by Congress, unless something were established which enabled the court to affirm in support of such legislation that by the concerted purpose and affirmative action of the State they were deprived of the right because of race, color, or previous condition of servitude. That is in general the doctrine which I understand our Supreme Court have asserted.

The question whether that leaves to Congress any power at all over those two cases, the denial of the right to vote at elections and the inflicting without law cruel and unusual punishments, or any punishment at all, upon offenders of a particular race, is a very serious one.

I have been inclined to think, without committing myself now to an opinion, that we might pass a law which should provide for a trial of such an offense in the United States court, making it, however, essential to conviction that the jury who tried the case should, so far as the matter was a question of fact, find also that the State where the offense was committed in fact denied to the person who was the victim of the offense the equal protection of the law; that, so far as the matter was a matter of law, it ought to be taken judicial notice of by the court that the court where the trial took place should find the same thing, and that by that mode we might possibly come to some remedy. But the question is beset with difficulty. It is a very profound and difficult question; and if this resolution be adopted, I think I may say—and I hope I am not presumptuous in saying it—for every member of the Judiciary Committee, whether he come from the East or the West or the South or the North, whether he be a Democrat or a Republican, or by whatever other political appellation he may like to be called, he will approach the question without anger or heat or without being disturbed by present excitement as a pure question of constitutional law and of permanent policy which is to survive the special exigencies of a particular generation.

LIEUTENANT ARNOLD AND SERGEANT EDWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read:

The Secretary read the resolution submitted by Mr. CULBERSON on the 22d instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official papers in his possession which relate to charges against Lieutenant Arnold and Sergeant Edwards by Private Andrew K. Weir, including the report of Capt. P. W. West, United States Army, of date August 21, 1901.

Mr. LODGE. Mr. President, I was unable to go to the War Department on Saturday, but I saw the Secretary of War, and I understood him to state, as to this case, that these charges had been investigated; that a court-martial had been ordered as to one of the officers against whom charges were made, and that it was not yet determined whether a court-martial should be ordered as to the other; that the papers have been sent back for further investigation. The Secretary informed me that he would write me an official letter, to be laid before the Senate this morning, in

regard to what had been done by the Department. I have not yet received that letter, but I make this statement of what I understood from my conversation with the Secretary of War. I ask that the resolution may go over until to-morrow, by which time I shall undoubtedly have the official statement of the Secretary of War in regard to it.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the resolution go over until to-morrow, retaining its place.

Mr. CULBERSON. I wish to inquire of the Senator from Massachusetts when that court-martial was ordered?

Mr. LODGE. I do not know.

Mr. CULBERSON. Does the Senator suppose that that information will be given in the letter he expects to receive from the Secretary of War?

Mr. LODGE. I suppose it will be given in that letter.

Mr. CULBERSON. In view of the statement made by the Senator from Massachusetts I have no objection to the resolution going over until to-morrow morning, if the information I desire can then be obtained.

The PRESIDING OFFICER. The resolution will go over, retaining its place.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 9, 11, 19, 20, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 8, 12, 13, 14, 15, 16, 18, 21, 22, 23, and 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

"In lieu of the matter inserted by said amendment insert the following: 'To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government to purchase all land on Cushing Island, Portland Harbor, Maine, necessary to be used to erect additional batteries, and for buildings for the troops, \$25,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to said land and property shall have been acquired by the United States.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In line 2 of said amendment strike out the word "bill" and insert in lieu thereof the word "act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "States," insert the following: "except the contract of November 7, 1891, for 100 8, 10, and 12 inch guns."

In line 8 strike out the words "security in proper" and insert in lieu thereof the words "good security in same."

And in line 10 strike out the words "according to the true intent and meaning thereof."

And the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
B. E. TILLMAN,
Managers on the part of the Senate.
J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. McRAE,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902.

The message further announced that the House had passed a concurrent resolution authorizing the Committee on Enrolled Bills to correct an error in the enrollment of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The message also announced that the House had passed the following bills:

A bill (S. 712) granting an increase of pension to John Housiaux;
A bill (S. 1038) granting an increase of pension to Gustavus C. Pratt;

A bill (S. 1797) granting an increase of pension to Benjamin Russell;

A bill (S. 2168) granting an increase of pension to Charles O. Baldwin;

A bill (2457) granting an increase of pension to Warren Y. Merchant;

A bill (S. 2511) granting an increase of pension to William Phillips;

A bill (S. 2535) Granting an increase of pension to Annie E. Joseph;

A bill (S. 2551) granting a pension to Amelia Engel;

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin;

A bill (S. 3063) granting an increase of pension to Henry J. Edge, alias Jason Edge;

A bill (S. 3551) granting an increase of pension to John P. Collier;

A bill (S. 3888) granting an increase of pension to Jesse H. Hubbard;

A bill (S. 3998) granting an increase of pension to Emma L. Kimble;

A bill (S. 4240) granting an increase of pension to Calvin N. Perkins;

A bill (S. 4415) granting an increase of pension to Vesta A. Brown;

A bill (S. 4638) granting a pension to Helena Sudsbury;

A bill (S. 4642) granting an increase of pension to Anne Dowery;

A bill (S. 4655) granting an increase of pension to Oliver K. Wyman;

A bill (S. 4706) granting an increase of pension to William Harrington;

A bill (S. 4712) granting an increase of pension to Eliphlet Noyes;

A bill (S. 4729) granting an increase of pension to Daniel A. Hall, alias William Knapp;

A bill (S. 4730) granting an increase of pension to George W. Youngs;

A bill (S. 4732) granting an increase of pension to Charles H. Hazzard;

A bill (S. 4758) granting an increase of pension to Mary L. Doane;

A bill (S. 4759) granting an increase of pension to Martha Clark;

A bill (S. 4766) granting an increase of pension to James P. McClure;

A bill (S. 4790) granting a pension to Stephen A. Seavey;

A bill (S. 4829) granting an increase of pension to Nimrod Headington;

A bill (S. 4853) granting an increase of pension to Amos Moulton;

A bill (S. 4862) granting an increase of pension to James Welch;

A bill (S. 4871) granting an increase of pension to Helen M. Worthen;

A bill (S. 4983) granting a pension to John W. Smoot;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson;

A bill (S. 5152) granting an increase of pension to Marcellus M. Martin, alias Marion M. Martin;

A bill (S. 5153) granting an increase of pension to Eri W. Pinkham;

A bill (S. 5203) granting an increase of pension to Jennie M. Wagner;

A bill (S. 5209) granting an increase of pension to Hannah A. Van Eaton;

A bill (S. 5371) granting an increase of pension to Jonathan O. Thompson;

A bill (S. 5669) granting a pension to Charlotte M. Howe;

A bill (S. 5670) granting a pension to Samuel H. Chamberlin; and

A bill (S. 5759) granting an increase of pension to Charles T. Crooker.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 2295, known as the Philippine bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. MORGAN. I desire to offer an amendment, intended to be proposed by me to the pending bill, which I ask to have printed and laid upon the table.

The PRESIDING OFFICER. The amendment will be received, printed, and ordered to lie on the table, in the absence of objection.

Mr. PATTERSON. Mr. President, I very much desired that some other Senator would be ready to proceed this morning, but as there is none, in order that the agreement about the debate on our side shall be carried out, I will say now what I have to say.

At the commencement of the session, in common with many others, I feared that the public conscience had become so seared in the fight of the country for commercial supremacy that it was

quite useless to continue the struggle for justice for the Filipinos and the return of the country to the high standard of public conduct that had come down to us from the fathers. The most disquieting evidence was the seeming indifference of the press and the church. It seemed as though the Philippine iniquity would be allowed to petrify with the public conscience and hang around the neck of the country an everlasting hindrance and disgrace.

But, Mr. President, neither the press nor the church was indifferent. They had been lulled into quietude by false reports of conditions in the Philippines from the War Department and the misleading statements of those conditions in censored press dispatches. They were living in a fool's paradise, like most of the country, and they continued there until the late developments. There is no longer any room to fear the indifference either of the press or of the church. Both of these great estates now seem to be exercising all their great power toward giving publicity to the awful conditions in those far-distant islands and to restoring the country to its earlier desire for humanity and justice.

The work of the press is evident upon every hand, the work of the ministers has but just commenced; but it has commenced, and in many sections of the country both the press and the ministers are engaged in doing what they can to arrest the career that is bringing shame to patriotic Americans and to restore the old-time desire for liberty and independence for all peoples that has been the distinguishing feature of American political life.

APPEALS OF MINISTERS FOR JUSTICE TO THE FILIPINOS.

To prove that such is the case as to the latter estate, Mr. President, I have within the last few days collected statements of some of the work that Christian ministers are performing.

The efforts of the ministers originated in the great centers, and their influence is very rapidly spreading to the churches in the smaller localities.

I have here a copy of an appeal, addressed to the ministers of all denominations throughout the country, signed by 21 of the pastors of the leading churches of New York. I will take the time to read it.

APPEAL OF NEW YORK MINISTERS TO MINISTERS OF THE UNITED STATES.

We, the undersigned, ministers of religion, appeal to our brethren of all denominations throughout the United States to protest against the conditions in the Philippines revealed by testimony (before the Senate Committee on Affairs in the Philippine Islands) from which the following are extracts. [The testimony quoted will be found in an appendix.]

We also urgently beg our brethren in the ministry to inform themselves fully in regard to the position of the United States in the Philippine Islands, in order that they may advise the American people as to their duty in regard to this matter, of which Dr. J. G. Schurman, president of the first Philippine Commission, writes as follows in the April number of *Guntton's Magazine*:

"The future of the Philippines is an open question. The American people have never passed upon the ultimate destiny of the archipelago. * * *

"Now, the Philippine question is one of the most difficult, and in its consequences far-reaching, that has ever come before the American people. In gravity and political pregnancy it yields, I suppose, among all national issues, to slavery alone. It is of supreme importance, therefore, that the American people should ascertain the facts, understand the material considerations and the moral and political principles involved, weigh the consequences both to ourselves and the Filipinos of the different lines of policy proposed, and endeavor to reach some conclusion in regard to what it is right and expedient for us to do in the premises."

NEW YORK, May 1, 1902.

This appeal is signed by the following ministers:

John C. Bliss, pastor Washington Heights Presbyterian Church; Robert Collyer; D. W. Couch, pastor Epworth Methodist Episcopal Church; John Hopkins Denison; W. T. Elsing, 280 Rivington street; John H. Elliott, D. D.; Eugene G. Fuesse, pastor Evangelical Reformed Church, St. Paul's, 874 East One hundred and forty-first street; Maurice M. Harris; Conrad E. Hermaeddt, pastor Second Moravian Church, 636 Sixth street; Arthur C. Kimber, S. T. D., 105 East Houston street; P. F. McSweeney, D. D., pastor of St. Bridgid's; H. Pereira Mendes, minister Spanish and Portuguese Congregation, New York City, president of the Union of Orthodox Jewish Congregations of United States and Canada, president New York Board of Jewish Ministers; Rev. John McQuirk, D. D., LL. D., pastor St. Paul's Church, East One hundred and seventeenth street; Harry P. Nichols, rector Holy Trinity Church, 18 West One hundred and twenty-first street; C. H. Parkhurst, pastor Madison Square Presbyterian Church; William L. Penny; John J. Reed; J. B. Remensnyder, D. D., pastor St. James Lutheran Church, 900 Madison avenue; Henry A. Stimson, pastor Manhattan Congregational Church; William T. Sabine, 910 Madison avenue; Rev. Paul Sommerlatte, Harbor Mission Reformed Church; John F. Steen; Leighton Williams, Amity House, 312 West Fifty-fourth street; Rev. H. M. Warren, D. D., chaplain of the hotels of New York City.

To this appeal is attached a letter signed by the Rev. Joseph R. Duryee, as follows:

130 EAST THIRTY-SIXTH STREET, May 2, 1902.

My sense of justice to the American troops in the Philippines will not permit me to sign the protest. The tendency of this Senate inquiry is to make the Army bear the blame of an immoral policy of subjugation begun four years ago. The conduct of our soldiers as a whole has been, under the horrible conditions of life in the islands, remarkably praiseworthy. I have been in correspondence with officers and men in different sections and know that the cases of savagery are not general.

I only wonder that under the stress of the climate and contact with the natives our men have maintained the discipline and self-restraint that has in the main characterized them. If the Administration and Congress—representing a majority of our people—have not learned by this time that tropical possessions in the East are not the destiny of our people, they are blind to the facts of nature these four years of experience have taught.

If it will be of the slightest use, you are at liberty to publish this letter.

I am, sincerely, yours,

JOSEPH R. DURYEE.

MINISTERS OF CAMBRIDGE, MASS.

Mr. President, evidently acting upon the invitation contained in the document I have just read, the Christian ministers of Cambridge, Mass., very recently met and adopted a series of resolutions, which are signed by 41 of them. The resolutions are brief, and, I think, may be read with profit. They are as follows:

Whereas it is credibly reported that soldiers of our Army in the Philippine Islands, acting under the command of their officers, have treated the native people in ways abhorrent to the spirit, not only of religion, but of civilization itself:

Resolved, That we, citizens of Cambridge, Mass., and Christian ministers, representing, as we believe, the mind of the Christian citizens of this place, do hereby express our earnest reprobation of such acts, and assure the President of the United States of our sincere sympathy in his present endeavor to learn the truth and bring the guilty to punishment.

Resolved, That a copy of these resolutions be sent to the President of the United States.

The names of the ministers signed to these resolutions are as follows:

Theodore F. Wright, Church of the New Jerusalem; Wilbur N. Mason, Epworth Methodist Episcopal Church; Alexander McKenzie, First Church (Congregational); Samuel Crothers, First Parish Church (Unitarian); Prescott Everts, Christ Protestant Episcopal Church; George Hodges, dean Episcopal Theological School; Francis G. Peabody, dean Harvard Divinity School; John J. Ryan, assistant rector St. Paul's Catholic Church; C. Burditt Williams, Inman Square Baptist Church; R. A. Beard, Prospect Street Church; J. A. Alexander, First United Presbyterian Church; F. J. McConnell, Harvard Street Methodist Episcopal Church; B. M. Osgood, First Free Baptist Church; Morton W. Plummer, Broadway Baptist Church; C. H. Williams, Wood Memorial Church; Thomas Scully, P. R., rector Catholic Church of the Annunciation, and William J. Dwyer and Patrick H. Riley, assistant rectors; C. C. Johnson, Swedish Baptist Church; George W. Bicknell, First Universalist Church; Richard B. Grover, Hope Congregational Church; J. H. Duckrey, Mount Olive Baptist Church; S. Timothy Tice, St. Paul's African Methodist Episcopal social settlement; Benning Jacobson, Southwest End Lutheran Church; A. P. Reccord, Third Congregational Church; Frank O. Hall, Third Universalist Church; Charles A. Skinner, 67 Mount Vernon street; Daniel Evans, North Avenue Congregational Church; Woodman Bradbury, Old Cambridge Baptist Church; James Sherrin, assistant minister St. James's Protestant Episcopal Church; John B. Halloran, rector St. John's Catholic Church; W. Scott, Hollis street; Edward Abbott, St. James's Protestant Episcopal Parish; Arthur H. Gordon, Immanuel Baptist; Oliver W. Hutchinson, Grace Methodist Episcopal Church; Will H. Spence, Pilgrim Congregational Church; John O'Brien, Catholic Church of the Sacred Heart; George Whitaker, Trinity Methodist Episcopal Church; Robert Walker, Church of the Ascension (Protestant Episcopal); T. A. Harlow, Second Baptist Church; Theodore A. Fischer, Second Universalist Church.

BOSTON MINISTERS MEET IN TREMONT TEMPLE.

On last Thursday evening, the evening of the day on which the venerable and patriotic Senator from Massachusetts [Mr. HOAR] made that wonderful plea in behalf of liberty and humanity, there was a ministers' meeting held in Tremont Temple, in the city of Boston, in response to a call to come together in a generous spirit free of passion, prejudice, and partisanship to lend their influence in favor of replacing the present methods of coercion in the Philippines with a truly American policy of conciliation and good will. Boston clergymen representing nearly all creeds and denominations met in Tremont Temple to consider the Philippine situation in the light of recent revelations of the horrors incidental to our Government's possession of the islands. The Boston Herald states that—

The Rev. Dr. Donald called the meeting to order shortly after 8 o'clock. On the platform with Dr. Donald were the Rev. R. J. Johnson, of the Church of the Gate of Heaven, South Boston; the Rev. Frank O. Hall, representing the Universalist Church, of Boston; the Rev. Francis H. Rowley; the Rev. Benjamin F. Trueblood, of the American Peace Society; Rabbi Charles Fleischer, of Temple Adath Israel; the Rev. A. A. Berle, of the Brighton Congregational Church; the Rev. Scott F. Hershey, of the First Presbyterian Church, and the Rev. Paul Revere Frothingham, of the Arlington Street Unitarian Church.

From the published accounts of that meeting we learn that before it commenced a printed slip was handed to each of the invited speakers, which stated the rules under which the meeting was to be conducted and the purpose its originators had in view. It read:

Remember the demands of the President: (1) Searching exposure of all wrongs, and no shielding of wrongdoers; (2) no barbarities pardoned or permitted under our flag; (3) ultimate self-government for the Filipinos, after the fashion of the really free nations; (4) generous trade relations with Cuba.

The conscience of the country urges these demands in their fullest and strongest sense and will tolerate no influences which tend to weaken or obscure them.

Contrast the degree of joy and gratitude in Cuba to-day with the despair and resentment in the Philippines, and learn the lesson of the contrast.

DR. DONALD'S OPENING ADDRESS.

The spirit of the meeting was well illustrated in the opening remarks of Rev. Dr. Donald. I would not indulge in the reading of these extracts were it not that what is quoted from each is short, while every one of the quotations is pregnant with the highest patriotism and the strongest humanity. The account says that in opening Dr. Donald said:

This meeting is not for the condemnation or even the denunciation of the Government. It is rather for the purpose of giving the Administration encouragement and support in the task of investigating the charges contained in the report of Major Gardener, received on the 9th of last February by the Secretary of War.

Very recently the President has in the most explicit terms publicly expressed his determination to discover and to punish all cases of barbarities by our soldiers in the Philippine Islands. We are here to express our deep gratification at the publication of this letter.

As the accredited and appointed teachers of religion and morals in the community, we feel it to be our duty to let the nation know that we present

a united front against barbarity, atrocity, cruelty committed by any man anywhere where the flag of the United States shall float. If any man, to achieve his purpose, finds it absolutely necessary to adopt the instruments of dishonor, we affirm that that man has no right to entertain or prosecute that purpose. [Applause.] If any nation which has come into possession of territory finds it necessary to descend to barbarity and inhumanity and torture and unmentionable cruelties, then we do not hesitate to declare that that nation has no right to occupy or retain that territory. [Applause.]

My friends, there is serious danger lest this cry of exaggeration which is heard may have the effect of dulling the public conscience. It is no longer possible for us to deny that atrocities have been committed in the Philippines, at which the whole nation blushes and hangs its head in shame.

Who has committed these atrocities? We don't know, but we are extremely anxious to find out. Until the responsibility is laid at the door of those who are guilty the stain of dishonor upon the national flag will not be removed.

We are not here to say that President Roosevelt will not do his duty, but to say we believe he will do his duty. [Applause.] We are not here to say the Secretary of War will not do his duty, but that we believe he will do his duty. Our plain duty is to assure the President and his Secretary of War that the conscience, support, and conviction of the people of the United States are behind them when they are seriously, earnestly, and devotedly engaged in investigating upon whose shoulders should rest the responsibility of having disgraced our American flag. [Applause.]

I will now read extracts from the addresses of other speakers:

REV. B. F. TRUEBLOOD.

He began by reading a telegram from Philadelphia, as follows:

Cordial greetings. Truth is mighty and will prevail. Herbert Welsh, Lyman Ward.

He went on to say:

It is reported from Washington that, with cynical glee, men are playing the game of politics over these articles, though this is to descend to the last depths of unworthiness.

President Roosevelt, who feels the gravity of the situation and is anxious to remove the ugly spot from the nation's honor as far as possible, ought to have the active and unequivocal support in this direction, whatever you may think of him in other directions, of all persons, of all parties and creeds, in searching out and exposing all the wrongs and barbarities which have been committed by American men under the American flag.

We must lay the responsibility for this tragedy of horrors where in the last analysis it belongs—upon the shoulders of the people. The people of this country are the rulers of this country, and their officials are our agents and servants. It is we who are responsible for the nation's policies and enterprises and for the methods of carrying them out. We have been silent when we ought to have spoken. We have cherished the vulgar notion that we were being swept on by a destiny over which we had no control. We have allowed false notions of patriotism to smother criticism of the proper sort and to persuade us that the nation can do no wrong. Now, we shall be deeply guilty if we allow ourselves any longer to be hoodwinked, and if we do not insist that these atrocities be stopped at once and forever and the direct perpetrators brought to account.

In my judgment, we must go a step further. The punishment of the wrongdoers will not undo the wrongs. There is only one course worthy of the nation at the present time. No international law can give any right to that which is contrary to the plainest and simplest dictates of righteousness and justice. We should demand the immediate inauguration of the policy suggested in President Roosevelt's message, which we believe he honestly meant—self-government for the Filipinos after the fashion of really free nations; the same policy for the Philippines as that which we conceded to Cuba.

REV. DR. ROWLEY.

The Rev. Dr. Rowley was even more plainly outspoken. Among other things, he said:

Better that such a party as the Republican should go down forever than that the flag which holds in its folds all that we hold dear as a nation should receive a single stain. It is not a political issue that confronts us. It is a moral issue. It peers above the question of parties as Sinai towers above the wandering hosts at its base. A war begun in the interests of humanity has passed into a war of conquest. Our army is engaged in reducing to subjection a people who sought no quarrel with us; a people fighting not to infringe upon any moral right which was ours to claim, who have never threatened to invade our territory, to destroy our liberties, to overthrow our institutions, but a people fighting to defend what they hold to be their inalienable rights and to resist the foreign foe.

I am inclined to think that the atrocities that have accompanied this bitter conflict of our Army with a people said to be absolutely and hopelessly alien in race, temperament, and civilization have been inevitable. The chances are that the American soldier has been as humane as any other soldier in war would have been. The moral responsibility comes back upon the people, whose will the nation must obey. Through this whole sorry business I believe there may be detected the spirit of fancied race superiority, which, as it is imagined, gives us the right to ride roughshod over men and women and children. Had we risen to the sublime conception of what it means when we say that man is brother to his fellow-man, irrespective of race, color, or previous condition, we should have borne ourselves differently toward those who have been made with us in the image of Almighty God.

I would that from this gathering here there might go out a great, solemn appeal in behalf of peace, and that we should affirm our unalterable conviction that our nation should say to the Filipinos, frankly and without reservation, as we said to Cuba: "We promise you independence. Lay down your arms and we guarantee you, at the first possible moment, a fair chance to work out your destiny, and to that end we assure you of our assistance and support."

Such a declaration, issued from Washington, would bring us back to the only foundation upon which, as I see it, we can ultimately take our stand, if we are to show ourselves true to the sacred principles in our Constitution. It is honor, not disgrace, to withdraw the flag from every foot of ground it has floated over in violation of the rights of man. Never has that flag looked more worthy of our devotion than when it was hauled down from the flag-staff over the palace in Cuba. That was a sight to thrill the heart of humanity.

What were our lives without thee?
What all our lives to save thee?
We recked not what we gave thee,
We will not dare to doubt thee,
But ask whatever else and we will dare.

REV. FRANK O. HALL.

The Rev. Frank O. Hall made a wonderfully thrilling speech. He said:

There is no longer any reasonable doubt that we are engaged in the Philippine Islands to-day in exactly the same business that Butcher Weyer was

engaged in in Cuba six years ago, only we have enlarged upon the business and perfected his methods. [Applause.] There is no longer any doubt that we have caused the destruction in these last three years of more lives in the Philippines than was caused in any one century of Spanish misrule.

We have destroyed more homes, made more widows, more children fatherless, than the volcano in St. Pierre, and the Filipinos might well thank Almighty God to send the volcano there if only he would withdraw the American forces. [Applause.]

Where did our soldiers learn the hideous devices with which they have tortured the Filipinos? Not at West Point. We know they have been training men there a good deal as they train bulldogs to fight, but they do not teach the water cure. That was learned from the Macabebes, and the Macabebes are men who have been enlisted to fight under the American flag.

If you know anything about the law of heredity, you know what the effect of this course will be on the future citizenship of the country. You may have no son in the Philippines, but you may have a daughter who will marry one of those soldiers, and thus the curse will be brought into your home and into every home in the American Republic.

I have unlimited confidence in President Roosevelt. There is not money enough in the world to buy him, and not men enough to frighten him. He means to do right. But President Roosevelt believes in the strenuous life, and the strenuous life means to fight. He believes in party, and that nothing can accomplish without party.

He is surrounded by politicians 10 deep, who are constantly whispering in his ear: "Nothing must be done that shall hazard the next political campaign." And outside of that ring of politicians you will find another ring with shoulder straps and brass buttons, each one looking for promotion, who are whispering in his ear that these things are excusable in any war.

What we want to do is to let President Roosevelt know that we do not belong to the politicians, but that they belong to us; that we do not belong to the Army, but that the Army belongs to us; and that the thing to do is to let President Roosevelt—our President, and, therefore, our servant—know the will of the sovereign American people.

REV. ROBERT J. JOHNSON.

The Rev. Robert J. Johnson, among other things, said:

When word comes to us from across the seas that, in a land 11,000 miles away, men, women, and children are being tortured, slaughtered, and their homes laid in ashes, under orders given by officers of the United States, then, indeed, it is time for all of us who are jealous of our country's honor to make a stern protest and do all in our power to arouse the strong moral sense of a free American people, which, though it sometimes seems to slumber, is never dead.

The atrocities have been committed in the province of Samar. The people of Samar are not savages, but civilized, Christian people, who have their laws, their schools, and their churches. Are we Christians, and shall we sit silent, making no protest? I think not; I am sure not.

I am aware that there is a distinction drawn between war and murder. But you shall not burn homes, you shall not violate women, slay children, and cause desolation everywhere, and call that Christian warfare. If you do, the line between war and murder disappears.

REV. DR. HERSHEY.

The Rev. Dr. Hershey began by citing President Roosevelt's words at the recent Presbyterian meeting in New York, that "the vital thing to a nation is the spiritual, and not the moral;" also, that "we must look to the church to make the standard for morals and righteousness for the whole land."

Those people in the Pacific—

He continued—

are our brothers, belonging to us by ties of the human race. The treatment meted out there to men, women, and children has been simply brutal and savage. The treatment has been un-American.

We have made a record, especially in these later years, of being generous, just, and humane, and the American soldiery will stand comparison for these distinctive characteristics with the best soldiery of the best nations of the earth. Why can not we do in the Philippines what we have done in Cuba? America, as a leading nation, should set an ideal before the world in three things—justice, liberty, humanity—which are things that make for righteousness in national life.

REV. DR. BERLE.

The Rev. Dr. Berle said:

I speak with no desire to temporize or to make it easy for those who have violated the fundamental principles of religion. I have absolutely no disposition to choose the easiest terms for those who have sanctioned what I believe to be murder and slaughter—terms which will make them sleep more easily and be better satisfied with the results of their work in the Philippine Islands.

I wish to call President Roosevelt's attention to the fact that three years ago, in this house, the missionaries then present at a Congregationalist gathering, one after another, got up and declared that the putting into practice of the theory of Lyman Abbott that before the doctrine of love can be preached to natives a regenerative army with the gospel of force must prepare the way would destroy every Christian mission abroad.

Representing the Christian church, we demand that the sword which was drawn in the interest of humanity be now sheathed in the interest of humanity; that the sword which we hoped would express the righteousness and the righteous resolution of the American people to end a grievous and distressing state of affairs in the island of Cuba shall not be made the bloody symbol of eternal shame by being bathed in the innocent blood of women and children in the Philippine Islands.

I am here also to protest in the name of the American veteran soldier of the civil war against the monstrous misrepresentation that the cruelties and atrocities in the Philippine Islands are to be laid at the door of Abraham Lincoln. I have received, to-day, a letter from a distinguished officer of the Sixth Army Corps who was in that whole campaign of Sheridan in the Shenandoah Valley, and he says:

The attempt to put upon Abraham Lincoln responsibility for these outrages is shameful in the extreme. It is absolutely false, and a dastardly piece of cowardice. I saw what was done under that Order No. 100. Barns were burned, but not all; gristmills were destroyed, but not all. A humane construction was put upon the order. That I knew as a positive fact. I saw many burning buildings, but I saw many saved. We were not fighting against old men, infirm people, and not at all against women and children.

In the name of the veteran soldier I protest against the blasphemy of bringing the hideous shadow of all this slaughter and shame upon the author of the emancipation proclamation.

RABBI FLEISCHER.

Rabbi Fleischer said:

We are expecting on the average just so much murder and rape and drunkenness and all sorts of exhibitions of moral rotteness. I would

not have one word I say, however, be regarded as condonement of any of the offenses committed by our soldiers in the Philippines. Every man guilty of any one of these immoralities should be brought to book and visited with condign punishment. But after that, let us recognize our responsibility.

These acts of our soldiers are simply the poison fruit growing upon a poison tree. [Applause.] Our business is to destroy the fruit, but also to extirpate that poison tree, to destroy it, root and branch. [Applause.]

We should no longer tolerate the use of our Army as the football of politics of one party or another. Both are wrong in thus using the Army. We do not mean merely to criticize the Army, party, or President, but to insist that these, our servants, shall do our bidding and do it according to our most righteous desires.

REV. MR. FROTHINGHAM.

The Rev. Mr. Frothingham concluded by offering a resolution that related to the senior Senator from Massachusetts [Mr. HOAR]. Dr. Donald, in introducing Mr. Frothingham as the last speaker, remarked that the speeches had been singularly a unit in their ethical apprehension of the situation. He said he thought the declaration made in opening, that the meeting was to be temperate, had been lived up to.

The Rev. Mr. Frothingham said:

This is the firing of the last shot, but it is not a shot of defiance nor yet of defence; it is rather a salute of courage and hope, looking to something full of life and encouragement in the future.

I have come here to-night with my mind full of that grand, true, and eloquent speech of our senior Senator in Washington; and with those things thrilling in my heart and filling my mind, I have felt that you and I and, as I believe, the people of this country have gone down into the lost depths of our valleys and our humiliation, and it has been a low valley and a dark one. I believe the time will come when the people of America will look back on this period of our history as one of the worst periods and one of the most degraded. There was a degraded time in our country's life—it was when we held slaves; but it is a worse time when we try to make slaves.

I ask this meeting to accept the resolution I now offer, and send it to Washington:

Resolved, That this meeting tends to Senator HOAR its expression of profound gratitude for the speech which so eloquently voiced the conscience and the religious sense of his native State.

The resolution was promptly put by the presiding officer, and was as promptly carried by acclamation.

Mr. Frothingham went on to say:

These tortures, these cruelties, and abuses have not been sporadic expressions of overheated zeal, of animal passions that have leaped out on the part of the individual soldier. They have been shown to come from some superior officer. I wonder whether our American Army is really to blame for this situation. I do not believe that the soldiers of our Army are.

Who, then, is to blame? Well, we are to blame who sent those men over there to crush those people, to make them submit, to crush their rebellious spirit, to say you shall not be free, you shall not have your liberties. We sent them, indirectly, to do a miserable, a selfish, an un-American thing, and the result is that they have done it in a cruel, a low and beastly and un-American way. I am inclined to think that the evils and abuses have been less with our soldiers than they would have been with any others.

But we must look behind the individual to the policy. I believe there is only one thing for President, Senate, Congress, and people to do, and that is to admit we have been led into error, and to redeem ourselves—to say that the Philippine Islands shall have the same rights that we have accorded to Cuba.

The meeting closed with the singing of "America."

I have a number of other sermons and statements delivered by ministers of different denominations in other parts of the country, but I have read enough to show the awakening that is going on among Christian and humane people—an awakening that carries hopeful promise to all the country that the night of ignorance and indifference is past and that the sun of liberty and justice is about to rise to flood our beloved land with the spirit of the departed framers of the Constitution and the immortal Declaration of American Independence.

Mr. President, I read these resolutions, petitions, and utterances, not to make them a part of the remarks that I originally intended to make, but because I thought they should go into the RECORD that the change in sentiment going on in the minds of the clergymen, without respect to church or creed, should be more widely known; and I have no doubt in the world that the ministers of the various denominations all over this country will, before this question is settled, unite in utterances like unto those I have just called to the attention of the Senate.

But, Mr. President, before I proceed to discuss in my own way the questions involved in the two bills before the Senate I should give some attention to a part of the speech made by the Senator from Ohio [Mr. FORAKER] some two or three weeks ago, in which for a perfectly proper purpose, as he expressed it, certain editorials printed in a newspaper that I control were read.

SENATOR FORAKER AND THE DENVER NEWS.

The purpose, as I understood the honorable Senator from Ohio, was to show the influences that were brought to bear upon the President from different sections of the country which induced him to insist upon the cession to the United States of the Philippine Islands.

If that was the sole purpose of the Senator I can not complain because he read editorials from the newspaper I control; for whatever may be said to operate upon the minds of public men to induce in them a line of conduct upon great public questions is legitimate matter for presentation and discussion. But I am inclined to think that the learned Senator had another end in view, doubtless a desire to bring a little humiliation to the per-

son supposed to be responsible for those editorials and to embarrass him somewhat in a further discussion of the questions to which the editorials referred.

I am frank to say, Mr. President, that where anybody filling a public position is found to have suddenly and inexplicably changed front upon some great governmental or moral question without an adequate cause, his sincerity may well be called in question, and where a man's sincerity is doubted his influence can weigh for little.

The Senator from Ohio imagined that he had a great deal of fun at my expense in the reading of those editorials, and the Senator from Wisconsin [Mr. SPOONER] and the worthy Senator occupying the President's chair [Mr. BEVERIDGE] joined in the merriment. By way of illustration, the Senator from Ohio having read a quotation from the News, as follows:

Whatever may be the motives of the Republican leaders, the policy which they enunciate is the correct policy for this country to pursue. The United States must take its place as a world power, confident of its ability to bear its share of whatever burdens may come upon it and to reap its share of the honors and profits.

The following occurred:

"What," said Senator SPOONER, "profits?" The Senator from Ohio replied with a satisfied smile "Profits"—"p-r-o-f-i-t-s," at which the veritable CONGRESSIONAL RECORD shows there was laughter. He read another extract in which the word "spoil" was used by the writer, when in response to the exclamation of the Senator from Ohio, "Think of it!" the Senator from Wisconsin immediately exclaimed:

"Spoil?"

"Yes," replied the Senator from Ohio. "Yes; spoil;" and again there was laughter. And so it continued until, toward the close of that part of the Senator's speech he read an editorial, the closing paragraph of which was: "And so Providence appears to have ordered it that we shall participate in the affairs of the Far East," the Senator from Wisconsin said:

Was there not something about "Providence" in the last one the Senator read?

Mr. FORAKER. Oh, yes; Providence figures rather conspicuously here.

When the Senator from Indiana now in the chair suggested—And fate?

To which Mr. FORAKER replied:

Yes, "fate." "Providence," "fate," "destiny," and "commerce"—all the elements of national greatness.

It is a matter of little moment who wrote the editorials in question. It is sufficient for me to say that I control the paper. I was then and I am now responsible for all its editorial utterances.

But, Mr. President, I have something to say about those editorials in addition to what the Senator from Ohio has said. Until about the 1st day of December, 1898—some two months before the ratification of the Spanish treaty—I favored holding the Philippines and I advocated the government of the Philippines by the United States.

I would not take any time upon this subject were it not that I feel I am but a type of hundreds of thousands of the American people in their changing views upon our duty in the Philippines, commencing with the destruction of the Spanish fleet in Manila Bay, proceeding with the treaty of peace, the annexation of the islands, and the government of those islands, accompanied by their subjugation. It would be a waste of time upon my part to continue reference to these matters if I could not in a proper way show how the views of the many came to be held and what brought about a change in them.

I said that up to the 1st day of December the News consistently advocated the holding of the Philippine Islands, but from that time, commencing with the 2d day of December, two months before the ratification of the treaty, the News and I, to the best of our ability, advocated a change of policy and stood for the independence of the Philippine Islands and in opposition to all of the conduct that has marked the possession of them by the United States since.

I call the attention of the Senator from Ohio to the fact that at the time the change I referred to occurred there was no election pending. The election of 1898 had but just occurred and none was to be held for nearly two years.

There was no Democratic President in office; there was no patronage to seek; there were no friends to reward; it was almost two years from a Presidential election. I can say with truth that the change was made out of no other cause than that of an honest conviction that the policy the Administration had adopted was a bad one both for our country and the archipelago.

Mr. President, it may be stated without the possibility of successful contradiction that commencing with the taking of Manila, if not almost with the destruction of the Spanish fleet in the harbor of Manila, there was a very wide-spread sentiment, almost universal, in favor of holding the Philippine Islands. Was there a reason for it? It seems to me that there was.

The war had been commenced for the liberation of Cuba. It had been prosecuted with great honor and credit to the American Army and Navy. An unexampled naval victory had been won by the American fleet under Commodore Dewey. Following that a censored press, as I have reason to believe, deliberately guided by the powers at Washington, commenced a series of misrepresentation of events and of the true conditions in the islands.

Mr. President, until the close of 1898 but few of us living at home knew the true story of the relation of Aguinaldo to Admiral Dewey, the capture of Manila, and the Philippines. None of us knew that he had been requested to visit Hongkong by and to confer with Admiral Dewey, and it was only because the Admiral sailed for Manila a day or two before he reached Hongkong that the conference was not there held. That about the middle of May Aguinaldo was sent for by United States authorities and carried to Manila Bay upon an American war vessel, was landed at Cavite, and at the request of Admiral Dewey raised the Filipino flag and called Filipino patriots to rally under its folds.

None of us then knew that commencing with the 15th of May and going on and on and on through June and July and into the middle of August Aguinaldo had constructed his lines from shore to shore, holding in the city of Manila within their iron grasp the entire Spanish army; that assault after assault had been made by him on the Spanish fortifications, and that thousands of Filipinos were killed and wounded in their struggle to destroy the common Spanish foe; that by those efforts in the neighborhood of 4,000 Spanish prisoners were captured by Aguinaldo and his troops; and that when the American soldiers first reached Filipino shores in July, 1898, so completely were the Spanish garrison surrounded and held by the Filipino army that General Anderson was compelled to negotiate with General Aguinaldo for a place in the fighting line.

To secure this position he addressed Aguinaldo as the commanding general of the Filipino army and spoke of the American and Filipino forces as "cooperating" to overthrow a common enemy. Anderson was granted position in the Filipino lines, less than a quarter of a mile in extent, and when Manila surrendered the American army occupied less than three-quarters of a mile of the line of battle, extending from the shore inland, while the Filipino army held more than 8 miles of intrenchments, surrounding the rest of the city of Manila.

We did not then know, Mr. President, of the arrangement between General Merritt and the Spanish general by which when Manila surrendered Aguinaldo and the Filipinos were restrained from participating in the glory of the victory, nor did we know that with a forbearance and denial rare indeed even among the generals and armies of the most civilized nations, Aguinaldo and the Filipino army had from August, when Manila was taken, until the night of the fateful 4th of February following, submitted with dignity and forbearance to the most exasperating requirements of the American commander, for the sake of preventing conflicts between the Filipino and American forces.

All the information we got, until news of the disclosures made in Paris during the treaty negotiations, was that Aguinaldo was a little detestable, grasping, selfish, would-be despot. We had been taught to believe that the great body of the Filipino people were yearning for the care and protection of the great American nation and that were it not for Aguinaldo and a few such co-conspirators as he the Filipino people and the Philippine Islands would come peacefully and thankfully to our arms.

This, Mr. President, was undeniably the character of the information that was furnished to the American people between the day in May when the Spanish fleet was destroyed and the attack made upon the 4th day of February, 1899. It was about that time that the true state of affairs commenced to come out; and when thousands and thousands of American people, of whom I was one, learned the true situation, the real struggle, the true attitude of the Filipino army to their islands, their people, and the American Army and Navy, then, without an Administration to reward us, without an election pending, out of which we might hope to gain advantage, with no other purpose or motive than an earnest desire to do the right, we changed front, and from that time ever since have consistently and earnestly stood for justice to the Filipino and the preservation of our country from the curse of imperialism.

Mr. FORAKER. The Senator will excuse me for interrupting him. I was unavoidably occupied for the moment, and I did not get the date of the change given by the Senator.

Mr. PATTERSON. The latter part of November, or early in December.

Mr. FORAKER. Eighteen hundred and ninety-eight.

Mr. PATTERSON. Yes, sir; in 1898.

Mr. FORAKER. I understood the Senator to state that he himself and his paper, the Denver News, advocated the acquisition and retention of the Philippine Islands down to November or the beginning of December, 1898.

Mr. PATTERSON. Yes.

Mr. FORAKER. And that at that time both changed?

Mr. PATTERSON. Yes.

Mr. FORAKER. But that neither the Senator, as the owner and the responsible party connected with the paper, nor the paper itself, has advocated that policy since?

Mr. PATTERSON. Never since; and I say that in the face of the editorials printed in the Denver News in the month of February and read by the Senator; and I will show to the Senate that in reading these editorials the Senator from Ohio was not candid, for he omitted editorials and omitted parts of editorials that would have shown the matter differently from what he sought to convey.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I did not pretend to read all the editorials in the Denver News, nor I did not pretend to read all of those I did read from. I simply called attention to such parts of the very voluminous writings I found there as I thought it proper to call attention to, as showing the view expressed by that paper. When the Senator says I was not frank about it, I trust he will give a little consideration to that language. I do not think he is justified in making any such remark.

Mr. PATTERSON. I will say—

Mr. FORAKER. I undertook to be entirely frank with the Senator and the Senate. There is nothing whatever in the editorials referred to that is in conflict with anything I read, as, I am sure, any unbiased man will agree. I had no thought of misleading the Senate by anything I read, and surely I read nothing except the language there found and just as it was found there, but I did not see fit to read all of the editorials that occupied a column and some of them perhaps more than a column. In that I did not do anything unusual, and certainly I did not do anything to justify the remark made by the Senator. If the remark stands I shall take a great deal of pleasure at the proper time in putting into the RECORD in connection with what I did read what the Senator complains that I have omitted.

Mr. PATTERSON. I will let the remark stand until I am through with this portion of my remarks, and then I will let the Senate judge whether I was justified or not in making the statement I did. As to the putting of other editorials in the RECORD, I will say that until the latter part of November, 1898, the Senator will find many editorials in the News that he did not read along the same line as those that he did read; but after the latter part of November he will find none that point in that direction. Those that he read and many that he omitted, printed after November, 1898, show beyond peradventure the attitude of the paper to be as I state. I find in going over the pages of the Denver News that the identical articles I have in mind bore somebody's check mark, as if whoever had gone over the files for the purposes of the Senator from Ohio had checked them off and knew what they were.

Now, Mr. President, let me not be misunderstood. Until the latter part of November, 1898, it was as I have stated; but on the 2d day of December the first editorial opposing expansion was printed, and that editorial had a check mark upon it which indicated that it had been seen; but that editorial was not quoted. The honorable Senator skipped the editorial of December 2 and went to the editorial of December 7. Let me read the editorial in the Denver News of December 2, so that Senators may pass judgment upon it. It is entitled "Management of the Philippines."

MANAGEMENT OF THE PHILIPPINES.

The treaty with Spain conveying to the United States among others the Philippine group of islands will soon be executed by the high contracting parties, and within a reasonable time will be ratified by the American Senate. This is right. Manila and its bay were captured and are being held as the legitimate spoils of war. The United States has a right to demand that they be transferred, Spain surrendering sovereignty and this country taking it. When the Senate ratifies the treaty the Philippines will be Spanish soil no longer, but the property of the United States, to be dealt with as it will determine.

It is how to deal with them that puzzles statesmen. Just what their relations to the United States will be is the political conundrum. They can not be received as a State, nor can they be molded into a Territory. Either one or the other carries with it to its inhabitants the right to go and come at will, no restrictions upon commerce, the same tariff duties, and absolute free trade between them and the rest of the United States. The labor of the islands is servile or semiservile. Without restrictions that are impossible under our fundamental law there would soon be an inundation of the United States by the hordes of Malays, Kanakas, and Creoles that populate the islands. The better wages here and better living would be a lodestone they could not resist. Its effect upon American wages would be a national disaster, to say nothing of the tainting of the blood and complications of the present race problems caused by the juxtaposition of whites and blacks in the Southern States.

It follows as a corollary that if the Philippines are retained by the United States it must be as captured provinces in which a state of war exists, which justifies an exclusion of their people from the protection afforded to American citizens by the Federal Constitution.

It will be borne in mind that this legal statement was made before the Supreme Court of the United States had passed upon

those questions, and when it was generally conceded that the only method by which the Philippines could be held without extending to them the Constitution would be by holding them in a so-called state of war, and that it could only be while that state existed that the discrimination suggested by the editorial could continue:

The Constitution extends to the inhabitants of Territories as well as of the States. The preamble to the Constitution declares that "We, the people of the United States," for the purpose set forth, "do ordain and establish this Constitution for the United States of America." The United States of America embraces all of its territories. Alaska, though not within a State, is part of the United States of America; so are Arizona and the other organized Territories. The Constitution is, therefore, established for all the territory of the United States. Some fiction must be devised that will, while the sovereignty of the United States is extended over the islands, exclude their inhabitants from the enjoyment of the rights and privileges of American citizens. It must be a military or semimilitary government. The law must be either that of the camp or of Congress, without reference to constitutional limitations or restrictions.

This anomaly will exist: A great republic and a despotism side by side; countries subject to the same sovereignty—the despotism organized, controlled, and manipulated by and for the benefit of the republic.

The first startling proposition that confronts Americans is that the law of Congress fixing customs duties can not apply or be applied to the Philippines. It is operative over every other foot of American soil. But the very treaty ceding us the islands, which, if ratified by the Senate, becomes the supreme law of the land, establishes the "open door"—that is, while the Dingley tariff is operated over every other square inch of American soil, it can not exist for the Philippines. There must be for them either absolute free trade or a tariff law as applicable to the United States as to England or to any other foreign country. In the Philippines the American manufacturer will have no advantage over the British or French. All must pay duties on their goods alike on entering their ports. Americans can not fence off the Philippines and say products of the United States shall enter free of duty, while those of other countries must pay the duties.

These are but a few of the perplexing questions connected with the possession of our new acquisitions. What to do with them or how to manage them is, therefore, a problem worthy of the best thought of the best Americans. There are those who suggest that what should be done is, having ratified the treaty, we proceed as rapidly as possible to give freedom to the Philippines. Establish an American protectorate, make person and property secure, require political and religious freedom, and their people, in the setting up of a republic, see that the republic is maintained, obtain reasonable commercial and other advantages to the United States that shall be perpetual, retain ample facilities for coaling stations and cable terminals there and in the Ladrones and Carolines. Startle the civilized world with the most sublimely grand and magnanimous national deed that history has ever recorded. Wrest a nation from its oppressors and say to it, "Now you are free."

This, Mr. President, was an editorial published in the *Denver News* on the 2d day of December, 1898. The Senator from Ohio read but part of an editorial printed in the *News* of December 7, five days after the one I have read. The title of that editorial is "Hawaii and the Philippines." The entire editorial reads as follows:

HAWAII AND THE PHILIPPINES.

A measure for the future government of Hawaii, which will probably be adopted by Congress in the main, is recommended in the report of the Commission appointed by the President to submit, among other things, a system of government appropriate for the Hawaiian situation.

It creates of the Hawaiian Islands a Territory of the United States in all respects like the rest of the American Territories. It is to be such a Territory as was Colorado before admitted as a State and as are now New Mexico, Arizona, Oklahoma, and the Indian Territories. To manage its affairs there will be a governor, secretary of state, courts—supreme and district—and other territorial officers. The legislature—senate and house—will be elected by the voters.

All whites, Portuguese, negroes, and their descendants, with native Hawaiians, who were residents of the islands immediately before Congress accepted them as a present, are made citizens of the United States and qualified electors of the Territory. Thus, with the adoption of the commissioners' recommendation, Hawaii will become full-fledged a part of the United States of America, one of its organized Territories and equipped to knock at the door of Congress regularly each session for admission to the Union as one of the sovereign States. All of the internal-revenue and custom laws of the country will immediately be applicable to Hawaii. There will be unqualified freedom of trade between the islands and the rest of the United States. Citizens of Hawaii must come and go, whether on pleasure bound or to settle here permanently, without let or hindrance. All products of the islands, whether of the field or shop, including sugar of every grade, will come to us free of duties, and all products of the States will go to Hawaii in the same unrestricted way. Neither Chinese nor Japanese are to be allowed citizenship. By this exclusion these yellow heathens can not come to the American mainland through Hawaii as a gate.

If the measure of the commission finds favor with Congress, the future of Hawaii will be provided for in a natural, simple, and truly American manner. The Philippines can not be so readily provided for.

Then was printed the part that the Senator from Ohio read. The Senate will see that the entire article was simply a discussion of legal and economic questions as applied to the Philippine Islands. I will now read the part read by the Senator from Ohio:

It is accepted that the cession of the Philippines to the United States comes handicapped with the "open door." Their annexation is impossible under any other condition. Great Britain's moral backing in our demand for the Philippines has been upon condition that the "open door" is maintained. France and Germany have reluctantly submitted, but only because of Britain's attitude and the "open door." This "open door" means that our custom laws do not and can not apply to the Philippines.

As to exportations from the United States to them, whether it is American grain or meat, or American manufactures or American anything else, they must enter the Philippines upon the same terms as like articles from foreign countries, and none other. If there is free trade between the United States and the Philippines, then all other countries must have free trade with them. If importations must pay customs duties, then those from the United States must pay them as well as those from other countries. This is the price paid for permission from England, Germany, and France to annex the islands. It is a dear price—a much higher price than the \$20,000,000 paid in cash to Spain. It forbids making the Philippines an integral part of the United States of

America. They can be held only as captive "foreign" territory. This contemptible fiction must remain a continuing element of the American system. The "open door" means that the Constitution of the United States has no place in shaping legislation for the islands. All laws for them must be extra-constitutional. They can not, as is proposed for Hawaii, become a Territory. They are and will remain spoils of war, held as "foreign" territory, and therefore subject to such exceptional and extraordinary methods of control as are permissible where martial law exists.

The Senator from Ohio read the foregoing extract, and that alone, out of the editorial of December 7, omitting entirely the editorial of December 2. Did the Senator aim to convey the idea from the extract he read that the *News* urged it to be our duty to hold those islands as spoils of war? No such idea could be gathered from the entire article. It was in nowise conflicting with the article of December 2. Its sole purpose was to show the unusual and anomalous conditions arising out of attempting to hold the Philippines, conditions that we could not and should not tolerate.

The editorial concludes as follows:

It is claimed that the President believes that this "open door" may be maintained under a decision by the Supreme Court of the United States given many years ago. It was the case of *Fleming et al. v. Page*. The question at issue in that case was whether Tappan while in the military occupation of the United States in 1847 ceased to be a "foreign" country within the meaning of the revenue laws. Chief Justice Taney delivered the opinion of the court. In it it was declared that territory held in the military possession of the United States as a result of conquest and not yet finally and definitely held as United States territory must be treated as foreign territory under the revenue laws. The court recited that after Florida had been ceded to the United States and the forces of the United States had taken possession of Pensacola it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty; that is, that although Florida had by cession actually become a part of the United States and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by an act of Congress.

Commenting upon the decision, the special Washington correspondent of the *New York Herald* says: "Under the decision it is believed that ports in territory held by the United States can be considered as foreign ports indefinitely as far as the revenue and navigation laws of the United States are concerned. If this is true, it is clearly within the power of the Government to establish for such ports an entirely different tariff system from that in the United States, and to enforce the United States tariff on goods from those ports, while collecting their tariff on goods from the United States. This is what will be done under the 'open-door' policy as it is proposed by the Administration to have it in force in the Philippines."

It is gradually growing clear to the thoughtful that unless extraordinary care is taken in Congress in providing for the future of the Philippines, either the fundamental law of the land must be overhauled and radical changes made or the lie must be given to it in legislation, and a contemptible and un-American subterfuge adopted and perpetuated, which will prove a disgrace to republican government.

I will now read the conclusion of the editorial of December 2, the editorial which the Senator from Ohio saw fit to omit:

It is becoming a burning question whether the true solution of the situation may not be to grant independence to the Philippines under American protection, securing ample commercial advantages as consideration for the grant of independence, with ample coaling station and cable terminals. In any event no such fiction as holding the Philippines perpetually as "foreign" territory in military possession should be indulged in.

OHIO SENATOR'S PURPOSE IN READING THE EDITORIALS.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. With pleasure.

Mr. FORAKER. I read the part of that editorial which I did read for no other purpose than to show the familiarity of the writer of that editorial with the great legal questions involved in the acquisition of the islands, which acquisition he subsequently contended for in advocating the ratification of the treaty. The other speculation of the Senator in his editorial is very interesting, no doubt, but it does not change the purpose I had in view, nor does it change at all the point for which the editorial was used.

Mr. PATTERSON. With that explanation I am entirely satisfied.

Mr. FORAKER. One other thing. It must be quite manifest to the Senate, in view of the length of the editorials, as evidenced by those now read to the Senate, that when I was undertaking to read editorials from Democratic newspapers all over the country, I would have been here two or three days occupying the time of the Senate if I had undertaken to read all the editorials printed in all these papers, and had undertaken to read all of them in full. I was simply undertaking to show that there was a common thought the whole country over, and I was undertaking to quote enough from the various newspapers to support the proposition. I was not undertaking to read everything that everybody had said on the subject.

Mr. PATTERSON. That explanation—and I will accept it in the spirit in which it is made—certainly removes a cause of pain to me, because, while I said nothing at the time the editorials were being read, conscious of the real situation, I knew that the time would come when I might legitimately make full exposition of the truth.

Mr. FORAKER. Mr. President, I was not aware until the Senator made the announcement that he had suffered any pain

on account of my reading the editorials. I certainly made a perfectly legitimate use of them, and then stated that I was only undertaking to defend the action of the Administration by showing that its action, whether wise or unwise, was upheld at the time by the sentiment prevailing all over the country, among Democrats as well as Republicans. I had no use for them other than the fact that the Senator had written on that subject. I read his editorials with a very great deal of pleasure, because, as I stated, I regarded them as the ablest expositions of that subject at the time they were written. I can not recall any editorials in any paper that dealt as interestingly and with such ability as the Senator showed in the editorials which he has just read with the constitutional questions involved. I am only sorry the Senator denies responsibility for any of them in any way whatever or evades responsibility for them in any way whatever.

Mr. PATTERSON. I have denied no responsibility. On the contrary, I assume the full responsibility.

Mr. FORAKER. That is true. I recall to mind that the Senator in a conversation I had with him, as I understood him, did say that he did not write all the editorials.

Mr. PATTERSON. I did not write all of them.

Mr. FORAKER. I told the Senator then that I would never let that be made public, because it would detract greatly from the credit to which he was entitled.

Mr. PATTERSON. It is quite immaterial, as I suggested, whether I wrote all of the editorials or whether other people wrote them; nor would it add to the interest of the discussion if I were to discriminate and show which I wrote and which I did not write; but I said I was responsible for all of them, and I shirk no responsibility. I simply presented the state of the public mind at that time and what produced that state, for the purpose of showing that the public mind, then dark as to the truth, had greatly changed, in my judgment, since light had been shed upon the 'till then secret history of Philippine transactions.

The Senator from Ohio, as I said, read a portion of an editorial of December 7 and omitted the editorial of December 2. There were a number of editorials in January, not one of which did the Senator read, nor will I undertake to read them; but I will read short extracts from them to show my attitude and the attitude of the paper.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. I do.

Mr. FORAKER. Inasmuch as the Senator persists in calling attention to the fact that I did not read all of his editorials, I hope he will allow me to ask him—and I hope he will be kind enough to answer the question—whether or not I read anything that did not appear in his paper?

Mr. PATTERSON. You did not, certainly not; and as far as you read you read with absolute accuracy.

Mr. FORAKER. That is all right.

Mr. PATTERSON. In the editorial of January 7, 1899, this appeared:

Whatever disposition we may make of the Philippines after the treaty is ratified, it is not consistent with national honor or reputation to allow ourselves to be driven out of them by Aguinaldo and his followers.

That was based upon the reports that were coming from the Philippines at that time, that Aguinaldo and his army were in an aggressive attitude, that the American Army was not strong enough to resist an attack, and that at any moment war as the result of the action of Aguinaldo and his army was imminent.

FURTHER EDITORIALS READ.

Then, again, I read from another editorial of January 11, 1899:

FILIPINOS AS ENEMIES.

There is little doubt that the situation in the Philippines is ominous of danger. Aguinaldo and his followers are bent on trouble and determined not to recognize the authority of the United States. Our army at Manila, considering the force of the insurgents, is barely large enough to successfully maintain a defensive attitude, assisted by the guns of Dewey's fleet. It can not take the offensive, and for this the War Department must be held responsible. As soon as the Administration determined on the policy of holding all the Philippines it ought to have placed itself in a position to handle the forces of Aguinaldo in a prompt and vigorous manner. That it has not done so is evidence of the fact that it has been caught napping.

It is undoubtedly true that this trouble has been stirred up by the agents and representatives of foreign governments, with Hongkong as the center of their plots. The idea has been to give the United States all the trouble possible and to compel it to inherit the rebellion with which Spain has been long contending. The conspiracy has succeeded, because of the general imbecility that reigns in the War Department. Whatever views may be held as to the policy of expansion and the future disposition to be made of these islands, one thing is certain, the United States can not afford to be driven out of them by a lot of half-armed, half-clad natives.

Furthermore, if nations opposed to our entrance into the Orient have instigated this trouble in the hope thereby of preventing us from so doing, they have taken the best possible policy to unite public sentiment in favor of it. One disaster to our forces in the Philippines will raise a blaze of indignation in this country that will be hard to quench. To hand the islands over to the inhabitants with the gift of freedom, independence, and assured protection is one thing; to be driven out by force of arms is quite another.

Here is an editorial of January 12. These editorials simply re-

flect the public mind as it was molded by the censored telegraphic dispatches from the islands, which placed the American Army in a position of defense and the Philippine army in one of aggression; the American Army in constant and imminent danger of being attacked by the Filipino army and driven into the sea, and the Filipinos occupying an aggressive attitude.

The Filipinos intrenched at Iloilo and those gathering near Manila could be immediately transformed into friends were Congress to attach to the treaty a declaration that it is not the purpose of the United States to permanently hold the Philippines, but simply to protect them until a stable government, republican in form, shall be adopted by their inhabitants, and that thereafter it would stand by them as a friend to protect them from the greed of other nations.

The warfare made by the antiexpansionists is having marked results. FORAKER's plea for the President is one of them. They are tributes to the foresight, courage, and patriotism of Mr. Bryan. The work has been mainly done and the sentiment crystallized since his resignation from the Army, and the plain avowal that while he favored immediate ratification of the treaty, he would insist that the United States should hold the islands only until their inhabitants formed a stable government, and that we would protect it in its infancy.

SENATOR FORAKER EDITORIALY DISCUSSED.

What I now read is an editorial written on the strength of the speech made by the Senator from Ohio in the Senate of the United States on the 11th of January, and it commences as follows:

The most important utterance in the debate on the treaty began in the Senate is that of Senator FORAKER, made yesterday. He said that American occupation of the Philippines is but temporary. "I do not understand," he said, "that anyone desires anything but the ultimate independence of the Philippines—not the President, nor anyone in this Chamber."

That is how I first got acquainted with the Senator from Ohio—by reading in the dispatches of the day that wonderfully eloquent patriotic speech to which reference has often been made. He said: "American occupation of the Philippines is to be but temporary." I quote from his speech:

I do not understand—

He said—

that anyone desires anything but the ultimate independence of the Philippines—not the President nor anyone in this Chamber.

Then the editorial continues:

Senator FORAKER is close to President McKinley. When he speaks upon subjects of policy in which the President is involved he is regarded as speaking for the President.

FORAKER himself is a red-hot expansionist. In the speech from which the quotation is made he maintained the constitutional right of the United States to obtain foreign territory and their populations by purchase, gift, or war, and to establish colonial governments over them. But, maintaining this, he declared that American occupation of the Philippines was "not to be permanent."

Then the editorial proceeds to eulogize the humane and statesmanlike attitude of the honorable Senator from Ohio.

The Senator from Ohio quoted some editorials printed in February. It was immediately after the fight of February 4, and it seems that I may very well talk about that to account for the attitude assumed generally by the press of the country immediately after that alleged attack occurred.

WHO MADE THE 4TH OF FEBRUARY ATTACK?

The Senators who were in this Chamber at that time will bear witness, those who were led to change from opposing the treaty to friendship for it will bear witness, that the news which came of the attack of February 4 was that it was a wanton, an unjust, and an unprovoked attack upon the American Army by the Filipinos. Mr. President, before I get through, when I reach that part of my remarks, I will undertake to demonstrate from official records, from the sworn testimony of American officers, from the situation as it then existed, that so far from the Filipinos having attacked the American Army on the 4th of February the attack was made by the Americans upon the Filipinos, and so far as one may judge by the circumstances of it the attack was brought on to so inflame the minds of Senators that enough Senators would be led to change their votes to secure ratification of the treaty.

I think I can demonstrate from the official records and from the sworn testimony of American officers, taking into consideration the situation as it was and the ends to be gained, that the attack was deliberate, and was made to secure the ratification of the treaty which, without the attack, could not in all human probability have been ratified.

Mr. President, let me read briefly the telegraphic dispatches that came giving to the country the account of that battle. On Sunday morning, February 5, this dispatch was printed broadcast over the country:

WASHINGTON, February 4.

President McKinley shortly before midnight received a report that the insurgents had attacked Manila.

He was about retiring. He at once sent a cable to General Otis asking him for either a confirmation or denial.

At this writing the President is awaiting a reply with his personal secretary, Mr. Cortelyou.

This is the report:

"MANILA, February 5 (Sunday morning).

"The long-looked-for clash between the Philippine army and the American forces has occurred. The insurgents made an attack upon the city of Manila at 8.30 o'clock Saturday evening. They fired upon the outposts all around the city.

"At this hour, 9 o'clock Sunday morning, the fighting continues.
"The American troops have been successful in repelling the assault of the native troops.

"The cruiser *Charleston*, *Monadnock*, and gunboat *Callao*, which latter vessel was captured by Admiral Dewey during the war, are throwing shells into the insurgents' ranks north and south of the city, from which the severest attacks were made.

"The American wounded number 20 at this writing. The loss of the insurgents is not known, but is believed to be far greater.

"There has been no outbreak among the natives of the city. The American women in the city, wives of the officers and others, have been taken on board the United States transports.

"Spent balls from the insurgent lines are falling into the city.

"General Otis has the situation well in hand."

That was the first news the telegraph gave us of that fight. Then, on February 5, we have the following:

WASHINGTON, D. C., February 5, 1.30 a. m.

The impression to-night is that the outbreak at Manila makes the ratification of the treaty with Spain a certainty. Strange as it may seem, there is a suspicion that the Filipinos have calculated on exactly the opposite result. They may have imagined that American popular sentiment would revolt against shooting down natives avowedly struggling for freedom. But while there may be considerable of such sentiment, there is no possibility that it will prevail against the feeling that the national honor requires the submission of those who have chosen the arbitrament of arms. In the words of the old toast:

"My country, may she always be right, but my country, right or wrong."
That expresses Washington sentiment. In other words, we shall have to whip the Filipinos, no matter what view we may have as individuals about the merits of their claims.

Here is another Associated Press dispatch:

CHICAGO, February 5.

A special from the Times-Herald from Washington says:
"Instructions will be sent to Major-General Otis to-morrow directing him to follow up his victory over the insurgents and to crush the power of Aguinaldo in the Philippines.

"This was the decision reached at an important Cabinet meeting held in the White House to-night, attended by the President, Secretaries Hay and Alger, Attorney-General Griggs, and Adjutant-General Corbin.

"It was further decided, now that Aguinaldo has thrown down the gauntlet, that Iloilo shall be taken, and the islands of the archipelago occupied as rapidly and to the extent that General Otis's forces will permit."

Here is another Associated Press dispatch from the islands:

MANILA, February 6, 9 a. m.

The Filipinos have apparently reached the conclusion that the Americans mean business, now that the barriers are removed, as there were no further hostilities last night and no attempt was made to recover the lost ground. It is possible, however, that they are following the tactics they employed against the Spaniards and will merely lie off for a few days to recuperate their forces before returning to the attack.

It is impossible to ascertain as yet how the news has been received at Malolos, the seat of the insurgent government, but the Filipinos in Manila express the opinion that the movement for independence had received its death blow, and that annexation will soon be welcomed generally.

I read yet another Associated dispatch, dated Manila, February 5:

The following dispatch from General Otis was made public at 12.25:

MANILA, February 5.

ADJUTANT-GENERAL: Fourth of February insurgents opened attack on our outer lines at 8.45; repeated attack several times during the night; at 4 o'clock this morning entire line engaged; all attacks repulsed; at daybreak advanced against insurgents and have driven them beyond the lines they formerly occupied, capturing several villages and their defense works; insurgent loss in dead and wounded large; our own casualties thus far estimated at 175—very few fatal. Troops enthusiastic and acting fearlessly. Navy did splendid execution on flanks of enemy; city held in check and absolute quiet prevails. Insurgents have secured a good many Mauser rifles, a few fieldpieces and quick-firing guns, with ammunition, during last month.

OTIS.
1.30 A. M.

The following dispatch was received at 1.15 this morning:

MANILA, February 5.

TO ADJUTANT-GENERAL:

Situation most satisfactory; no apprehension need be felt. Perfect quiet prevails in city and vicinity. List of casualties being prepared and will be forwarded as soon as possible. Troops in excellent health and spirits.

OTIS.

Mr. President, can there be any doubt as to what influenced the minds of the American people and the minds of some American Senators when the reports of the attack of February 4 came to them in such form, pictured at all times as a deliberate and unprovoked attack, as one prosecuted with fierceness and with determination, an attack which for the time placed the American lines in danger and made the heart of every American mother and sister and father throb with fear and anxiety? So far from that being the truth, as I will demonstrate, but not now, the attack was made by the Americans upon the Filipinos. The first shots were fired by American outposts.

RETURNS TO THE NEWS EDITORIALS.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER (Mr. PLATT of Connecticut). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. FORAKER. I dislike to interrupt the Senator.

Mr. PATTERSON. I yield.

Mr. FORAKER. It is only that I may understand the Senator. I have understood him to say that, beginning in November, 1898, he and his paper changed their attitude with respect to the acquisition of the Philippines, and did not after that time favor their acquisition and did not favor the ratification of the treaty until this attack was made.

Mr. PATTERSON. Oh, no. I always favored the ratification of the treaty.

Mr. FORAKER. Oh! Then I have been under a misapprehension. Notwithstanding, the Senator said a while ago he always continued an advocate of the ratification of the treaty. Therefore this attack on the 4th of February, whether made by the Americans on the Filipinos or by the Filipinos on the Americans, did not change the Senator's attitude with respect to the question of ratification?

Mr. PATTERSON. Oh, no. If the Senator from Ohio understood it otherwise he was mistaken.

Mr. FORAKER. I did so understand it.

Mr. PATTERSON. To make myself clear, I will say that until the latter part of December I not only urged the annexation, but the retention of the Philippine Islands. After that time I urged the ratification of the treaty, but only that the United States dealing with the Philippine Islands as property of its own would give to the Filipinos their independence, set them up in government, and thereby do a grand and a noble deed.

Mr. FORAKER. I am still at a loss to understand the Senator's position. I understand him to be pointing out, with very great elaboration and detail, the nature of this conflict, and I understood him to be doing it for the purpose, as he certainly did announce in the course of his remarks, of showing why there was a change of attitude with respect to the ratification of the treaty and with respect to the whole question. Was there, or not, any effect—that is all I want to know—produced upon the Senator and his newspaper by this attack?

Mr. PATTERSON. There was—

Mr. FORAKER. Or did they continue the same?

Mr. PATTERSON. There was to this extent, as shown by the two editorials which the Senator from Ohio read. In view of the alleged unprovoked and unwarranted attack by Aguinaldo and the Filipino army upon the troops of the United States, I then felt and said that the American Army could not retreat from the islands until those who had assaulted it, as they were represented to have done, had been compelled to sue for peace.

Mr. FORAKER. That continued only, however, until the Senator got correct information?

Mr. PATTERSON. Yes, sir; practically.

Mr. FORAKER. Has the Senator stated, and if not I suppose he will, when he got this better light and learned that he was imposed upon by the first advices from the Philippines?

Mr. PATTERSON. It was a long time, but so that there may be no misunderstanding, and I hope the Senator will not be required again to say that he is not intending or attempting to place me in an undesirable light before the Senate, but that he simply quoted those editorials for the purpose of showing how they would operate upon the mind of the Executive and also to create public opinion—

Mr. FORAKER. I have not said anything about not desiring to place the Senator in an unpleasant attitude in the Senate, nor about desiring to place him there. I have not, strange as that may seem, had in mind particularly the personality of the Senator. I have been endeavoring to discuss in a proper way a great question and to account for action that was assailed, and to account for it consistently with correct views as to men's transactions and governmental actions; that is all. If I ask the Senator for specific information on points upon which I understand him to be trying to inform us, it is not for the purpose of confusing the Senator or embarrassing the Senator; and if the Senator has any such idea I will not interrupt him again.

I only want to understand what it is that the Senator is saying. The Senator was making a point, and I was a little bit surprised, in view of the editorials I had read from his paper, to hear him make that point. I thought it was quite natural that I should desire to understand him correctly. To do so it was necessary that I should ask him the question. Perhaps I should have waited until the Senator's remarks were printed in the RECORD and then read them over, but we hurry along here so rapidly that I always find it very difficult to go back and read a Senator's speech. So I would rather understand it as he makes it.

MR. BEVERIDGE WANTS TO KNOW.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes, sir.

Mr. BEVERIDGE. I do not desire to interrupt the Senator, but now that he has been interrupted I wish to ask him a question. I assume that the Senator favored the policy of retaining the Philippine Islands for the large and statesmanlike reasons given in the editorials from his paper, read by the Senator from Ohio. He changed, he says. I now desire to know whether his change of opinion upon that great question of statesmanship, an opinion based upon the large reasons he gave, was merely because of the conflict between our forces and those of Aguinaldo at Manila?

Mr. PATTERSON. The Senator from Indiana does not quite comprehend what I am saying.

Mr. BEVERIDGE. That is the reason why I asked the question.

Mr. PATTERSON. It is probably my lack of clearness and not his lack of perception. What I say is that never after the early part of December, 1898, did I advocate, either in the paper or elsewhere, anything but the ultimate and immediate independence of the Filipinos.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. One moment. Let me get through with this sentence. But when there came to this country the false reports of an atrocious and unwarranted attack by the Filipinos upon the American army I said then that the United States could not afford to retreat from the islands, but that its first duty was to fight and defeat or compel the Filipino army to surrender; that in the face of the reported unwarranted and unjustifiable and villainous assault upon those who had been regarded as the deliverers of the Filipinos the army had to continue the struggle until the Filipino army was defeated. But that did not include, directly or indirectly, a suggestion that the Filipinos were not to have their independence, to have self-government, and to have the freedom for which they were struggling. I hope I make myself clear to the Senator from Indiana.

Mr. BEVERIDGE. The Senator from Colorado is very fortunate in the perspicuity of his remarks, but I submit that the Senator hardly meets the question I asked. He says he was for the retention of the Philippine Islands, and he gave some very comprehensive and very statesmanlike reasons why he favored that broad national policy. The question I asked of him was, in view of the fact that he changed his attitude and was explaining the change, whether that change, upon a great question of national policy, was caused merely by the incident of the beginning of the battle, or what did cause this change in the Senator's attitude concerning the retention of the Philippine Islands. I understand he has changed.

Mr. PATTERSON. There was no change in my attitude as to the retention of the islands. It was simply that the United States could not afford to stand before the world and be driven out of the islands.

Mr. BEVERIDGE. Does the Senator want to retain them now?

Mr. PATTERSON. No; of course I do not.

Mr. BEVERIDGE. Then the reason—

Mr. PATTERSON. Yet if it were true that the Filipinos had assaulted the American Army and defeated it or endangered it, I would be to-day maintaining what I maintained then—that the United States could not afford to withdraw until the enemy sued for peace.

Mr. BEVERIDGE. Simply because the Filipinos had begun the attack we should retain the islands? If they had not, you would give them up?

Mr. PATTERSON. The Senator insists upon the use of the word "retain" with respect to the islands. In the Republican sense it means one thing; in the broad sense of not leaving the islands by being driven from them by force of arms it means another.

Mr. BEVERIDGE. I used the word "retain," having taken it out of the Senator's mouth just a moment or two ago, when he used the word "retain." We can narrow the inquiry down to this: Did the Senator ever favor the retention of the Philippine Islands?

Mr. PATTERSON. I told you I did.

Mr. BEVERIDGE. Do you now?

Mr. PATTERSON. I do not.

Mr. BEVERIDGE. Why?

AFTER THE BATTLE OF FEBRUARY 4.

Mr. PATTERSON. I can not now stop to answer the question. Before I get through the Senator will know.

It may be quite well enough to read the two dispatches, part of which was read by the Senator from Ohio, published in the News immediately after the fight of February 5, as these are all that even tend to show any change of attitude upon the subject. That of February 6 is as follows:

THE FIGHT AT MANILA.

No matter what individual Americans may think about the policy of expansion or the claims of the Filipinos to independence, the fight at Manila leaves us no other cause than to inflict summary chastisement upon those who have been rash enough to invite armed conflict with the Army of the United States. If the Filipinos had been sensible enough to behave decently and to appeal to the principles of liberty which are deeply implanted in the American heart, they would have created an increasing volume of sentiment in favor of granting them virtual if not complete independence at an early moment.

That was not read by the Senator from Ohio.

From the editorial of February 17 the Senator from Ohio read this extract:

The ratification of the treaty with Spain and the passage of the McEnergy resolution have not solved the Philippine question. That is more perplexing

to-day than it was the day that Admiral Dewey sailed into Manila Bay. It has been complicated by the action of Aguinaldo and his army of insurgents. First we broke the Spanish power in the islands, then we bought them. Now we are fighting with the natives to hold them. We could not withdraw from them without disgrace, no matter how much we might desire to do so. To be driven out is a very different thing from a voluntary evacuation.

It is only necessary to read from the two editorials which the Senator from Ohio quoted for the purpose of showing the real attitude of the paper from which he quoted.

Mr. FORAKER. Then the Senator's attitude, as expressed in this editorial, was due to the fact that he was, as he now thinks, imposed upon in regard to the opening of hostilities there—that is, he was of opinion at the time when the hostilities were reported that the Filipinos were the aggressors, and that now he is of the opinion, and proposes to demonstrate it, that, on the contrary, the Americans were the aggressors, and that it was part of the settled plan to make sure of the ratification of the treaty?

Mr. PATTERSON. I draw that inference.

Mr. FORAKER. Yes. Then I want to ask the Senator while he is doing that to explain to us why it was, for such is the fact, as I believe he will agree, that Agoncillo and Sixto Lopez, who were both here in this country at that time, the day before the fight commenced, left this country without anybody knowing at the time of their leaving and fled to Canada, where they were when the news came that fighting had commenced. In other words, does the Senator imagine that as a part of the American plan to bring about this conflict to effect the ratification of the treaty, they notified the representatives of Aguinaldo so that they could get out of the country before the commencement of the fighting which we were to precipitate?

Mr. PATTERSON. In the first place, the statement of the Senator from Ohio that these men fled to Canada is his conclusion.

Mr. FORAKER. Does the Senator deny that they went to Canada?

Mr. PATTERSON. I do not know anything about it.

Mr. FORAKER. Does the Senator deny that they left Washington in a surreptitious way, in the nighttime—

Mr. PATTERSON. They may have gone upon a night train. I do not know.

Mr. FORAKER. And went to Canada by the most direct route possible, and never stopped even to check their baggage, hardly, until they got into Canada?

Mr. PATTERSON. Those are matters with which I am not familiar; but whatever significance the Senator or anybody else may attach to them, to those who had inside information it was perfectly apparent that from the date of President McKinley's proclamation of December 21, which General Otis changed, so fearful was he of the result of declaring the sovereignty of the United States over all the Philippine Islands, and that whatever opposition there was in the way of preventing its complete exercise should be swept aside—from that time until the fight of the 4th and 5th of February trouble was near at hand, and if the Filipino army did not give way it would be assaulted.

Whether that or anything else may have had anything to do with the reported surreptitious flight of the gentlemen to whom the Senator refers I do not know. I am simply stating facts.

Mr. FORAKER. I have called the attention of the Senator to it because it has always seemed to me to be practically a controlling fact upon that question, which nobody ever raised until long after the conflict began, because at that time everybody accepted the word of our officers, our generals, our representatives in the Philippines. But when their word was questioned and the facts of that time were recalled, it always seemed to me to be a controlling fact. That is why I called the Senator's attention to the fact that these representatives of Aguinaldo here in Washington should have left and gone by the night train, never stopping until they got out of the country and got safely into Canada, and did it just in time to be safely in Canada before the fighting commenced. It looked on the face as though they had notice of it.

FACTS WHICH SHOW THAT AMERICANS COMMENCED ATTACK OF FEBRUARY 4.

Mr. PATTERSON. Very small facts acquire great significance in the minds of some when they have some purpose to attain. Let that stand as stated by the Senator from Ohio until I come to the undeniable facts, and I may tell the Senator some of them now.

According to the testimony of General MacArthur, General Aguinaldo on the 3d of February had moved back at his command from a position that he occupied and did it cheerfully. On the 4th of February, at the request of General Otis, General Aguinaldo sent back into the American lines four Americans who had been detained by the Filipino forces. That was the attitude of Aguinaldo, according to the official reports, up to the very moment of the alleged attack. On the night of February 4, at half past 8 o'clock, a mere Filipino patrol consisting of four men, a guard that usually does police duty, was going toward the little town from which Aguinaldo's forces, on demand of General Otis, had retired the day before, probably looking for stragglers who had gone to the town during the day.

Then the American outpost fired upon them and killed 2. General MacArthur in his report tells of the occurrence. He says this Filipino patrol was approaching the American outpost. Being observed, they were twice commanded to halt, and not halting the Americans fired upon them and killed 2. In his testimony before the committee the General stated that the rule before firing was to command halt three times, and the language to be used was "Halt; who goes there?" Whether the 4 Filipinos or any of them understood English nobody knows. Then there was intermittent firing between the two lines until daylight, when the American lines were ordered to advance and the battle commenced. Both Generals MacArthur and Hughes testify that if there was an American soldier killed or wounded that night they have no knowledge of it. There is no report of a single casualty in the American army on the night of February 4. Since it is undeniable that the first hostile act was the firing upon the patrol and killing 2 of the number, and no American soldier was killed during the night, and the Filipinos made no advance or attack, if there had not been an order to push a battle would not some explanation have been sought before the American lines were ordered to charge when daylight came? The battle thus commenced ended with the horrible result of 250 American soldiers killed and wounded and more than 3,000 Filipinos killed and wounded.

This is the true and the official story of that so-called attack by the Filipinos upon the American lines on the night of the 4th of February. No Filipino testimony was asked for. The testimony of no one was sought outside of the American Army. The details are given in the official reports of American officers and their testimony before the Committee on the Philippines.

ASSOCIATED PRESS ACCOUNT OF THE BATTLE.

Contrast, Mr. President, these facts with the stories that came to the American people through Associated Press dispatches upon February 5, 6, 7, and 8. One can hardly refrain from saying that there was a design behind it all. Somebody with a deep purpose had dictated the attack and shaped the character of the news. This treaty was hanging in the balance in the Senate. It yet lacked two votes of the requisite two-thirds, and when the vote came the day after the news of this alleged outrageous attack upon the American army, enough votes were changed as the result to ratify the treaty, and it was ratified by but 1 vote more than the requisite number. If a single vote given for the treaty had been cast against it it would have been defeated.

I take it, Mr. President, that if this was a case before a jury, and circumstantial evidence was to determine the jury's verdict, and the question was who commenced and was responsible for the 4th or 5th of February assault, that simply upon the testimony and reports of the high American officers alone the verdict would be that the Filipinos did not commence the assault, and that the Americans did.

There is one other fact that I might recall now. Both General Hughes and General MacArthur admitted that they knew the Filipinos were not ready for a fight; that on the night of February 4 their principal officers were far distant from the lines at Malolos, holding a conference, and that it was not their purpose to then make an attack. Then again: If the treaty had not been ratified, what a plight would President McKinley and his party have been left in. The President had declared the sovereignty of the United States over all the archipelago. He had ordered General Otis to assert and establish it against all opposition. Otis had been directed to take possession of all the islands and overcome whatever opposition existed to his doing so. Had the treaty not been ratified, McKinley and his party would have been the laughing stock of the country, if not of the world, for McKinley had ordered Otis to take possession of all the islands and overcome all opposition at a time when the United States had authority under the protocol only in the city, bay, and harbor of Manila. Had there been a failure to ratify the treaty, those orders would all have had to be undone. It would have been a case of marching up the hill and marching down again. So the treaty had to be ratified, and there was no way to bring that about except by precipitating the battle of February 4 or 5, and it was precipitated. It was but another case of American duplicity. This time it was practiced upon the American Senate and the American people, and not alone upon the Filipinos, as had so often been the case before.

It is idle to say, under these circumstances, that that awful fight, with its awful results, upon the night of the 4th and the morning of the 5th of February can be traced to the doors of Aguinaldo and his army.

SENATOR FORAKER FOR FILIPINO INDEPENDENCE.

But, Mr. President, in the reading of the editorials it appears that the Senator from Ohio made a speech upon January 11, 1899, and that the News quoted that speech and approved it and dwelt upon it. I wish to call attention to what further the Senator from Ohio said in that speech. I will not do it to show that the

Senator from Ohio is inconsistent, but only to show what it was that led many persons who originally favored the retention of the Philippines to oppose their retention. Said the Senator from Ohio on January 11:

I am willing to trust the Administration—

That was the difference between the Senator from Ohio and myself. I had no Administration to trust—

I am willing to trust the institutions of this Government and the people of this Government to do justice by the Filipinos. I have no sympathy whatever, Mr. President, and I do not believe the Administration has, with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence—

Mr. CARMACK. Whose language is that?

Mr. PATTERSON. It is the language of the Senator from Ohio [Mr. FORAKER]. He said further in that speech:

and I have no sympathy whatever with the talk that is indulged in in some places about making war on Gomez and his followers who have been struggling for the liberation of Cuba.

Thus placing the struggle of the Filipinos on a par with the struggle of the patriots in Cuba, declaring that he had no sympathy whatever, and he did not believe the Administration had, with the war which some people talked about waging on Aguinaldo and his followers. In what? In "their struggle for liberty and independence."

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. FORAKER. This was, as the Senator has said, on the 11th of January, nearly a month before the fighting commenced, at a time when I really did not think there ever would be any fighting, but at a time when such papers as I quoted from the other day were talking about its being the duty of this Government to suppress all opposition and to resort to war if necessary. Some of the editorials from the News are directly in point. I did not have any sympathy with that kind of talk. I did not think it was necessary to have any war. I supposed we could get along without it. Later we had the war, and that changed the situation, and we have had to deal with it accordingly.

Mr. PATTERSON. On the 11th of January the proclamation of the President declaring the sovereignty of the United States over the Philippines, and commanding the American officers to sweep out of the way all who opposed that sovereignty, had been proclaimed and was public. It was that war that was being talked about. It was the express declaration that if Aguinaldo did not yield and depart from in front of the American Army, and if he stood by his attitude for the liberty and independence of the islands, war would be made upon him and the Filipino army. It was having in mind that condition that the Senator from Ohio said, "I have no sympathy whatever, I do not believe the Administration has, with the war which some people talk about making upon Aguinaldo and his followers in their struggle for liberty and independence."

Mr. FORAKER. Mr. President—

Mr. PATTERSON. The Spanish power was broken. The only opponent before the Filipino army was the American Army. The Filipinos were under arms there for liberty and independence. Certain elements in the United States were urging that the American Army attack the Filipino army, that its stand for independence might be defeated, and the Senator from Ohio said, "I have no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence."

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. FORAKER. The Senator could not have made the quotation from my speech of January 11, 1899, that he has made, I take it, without consulting the RECORD; and if he did consult the RECORD, he must have found on the same page as that from which he quotes a quotation by me of the order of the President to which he referred. I give the order as an expression of the President's policy, to show that it is not the purpose of the Administration or of anybody connected with it to make war on the Filipinos. Therefore the Senator must have known that when I said I had no sympathy with the war that it was proposed to make on the Filipinos I could not have had reference to any declaration, official or otherwise, that President McKinley had made.

I call the Senator's attention also to the fact that he can not find in President McKinley's order any such language as that which he has purported to quote from it. There is nothing of that nature in it. All that President McKinley says is in the nature of an expression of our kindness and good will toward the Filipinos, our desire to establish law and order and civil government, and then at the conclusion of it he uses this language,

which is the only language that justifies the quotation the Senator has made:

In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

Mr. PATTERSON. I will demonstrate when I reach that proclamation—

Mr. FORAKER. If the Senator will pardon me just one moment—

Mr. PATTERSON. The Senator could not have read that proclamation, or else he would not make that statement.

Mr. FORAKER. If the Senator will pardon me for one further moment, I want also to call attention to the fact, as I now recollect it—if I am in error about it, the Senator can correct me—that the Denver News called attention to this proclamation and commented on it with approval.

Mr. PATTERSON. I do not recall whether it did or not. The Senator from Ohio can have it here to-morrow, if he desires it, or to-night, either.

Mr. FORAKER. I do not know whether I can or not, for I sent for the paper and I found that the Senator from Colorado had it. If he will turn it over to me, I shall be glad to look at it.

Mr. PATTERSON. The Senator can read it carefully and prayerfully.

THE PRESIDENT'S PROCLAMATION OF WAR.

Mr. CARMACK. Mr. President—
The PRESIDING OFFICER (Mr. GALLINGER in the chair). Will the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. CARMACK. I should like to ask the Senator from Ohio if he thought the President's proclamation was consistent with his own ideas of liberty and independence for the people of the Philippine Islands?

Mr. FORAKER. Entirely so.

Mr. CARMACK. There the Senator is laboring under a misapprehension.

Mr. PATTERSON. Let me call the Senator's attention—

Mr. FORAKER. Mr. President, I ask the Senator to wait just a moment.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. Along with what the Senator has quoted from my speech of January 11, 1898, there should be quoted also as a part of the same statement made at the same time, as follows:

It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government or whether or not only a few want government.

What is the feeling of the population? You can not tell that in the short time we have had to deal with them. At least I have not been able to satisfy my mind about it. I hope in the near future to be able to do so, and I hope that in due course at no distant day we can act intelligently, and I know we will act justly.

That is the expression I used on that occasion.

Mr. PATTERSON. Mr. President, I have no doubt in the world but that the mind of the Senator from Ohio was not at that time altogether clear as to the character and the capacity of the Filipino people, and I have no doubt in the world but that he felt at that time that an investigation would throw light upon these important questions. But what had that to do with his unqualified declaration that "I have no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence?"

Mr. FORAKER. Will the Senator allow me? I had no sympathy then—I have not any now—with the war that was at that time being talked about. The Senator and I differ as to what happened afterwards when war did occur between the two peoples, and there we take our departures—he going his way, I going mine.

Mr. PATTERSON. The only war that was talked about was a war by the United States to deprive Aguinaldo and his followers of liberty and independence, and that was the war the Senator from Ohio had no sympathy whatever with. I might say to the Senator, as he said to me, that in later years, as he rereads and reflects upon that speech, he will be far prouder of it than he will be of those that have fallen from his lips since.

Mr. FORAKER. Mr. President, the Senator from Colorado is quite at liberty to entertain that opinion. I have no objection to that. What I want to say about it is this: They had been struggling for their liberty and their independence from Spain, and at that time we had not yet, except only to commence, asserted any authority there. I had no idea at that time that there would be war, and said I had no sympathy with such talk as the newspapers were indulging in, and that I did not believe the Administration

had any such sympathy. I did not dream of what was to happen. And yet we were compelled to talk about war; we were compelled to think of it. And later it came. Whether it was our fault or their fault, it did come; and when war came then the question thrust upon us was how we would deal with it; what would be our attitude; and I agreed with other Senators in the belief that it was our duty, before we undertook to deal with them otherwise, to restore law and order; to suppress insurrection; to assert our authority. And there has never been a minute from that day until this that I have not been willing, whenever we reached the point where we can do it with any assurance of satisfactory results or whenever the conditions are such as to warrant it, that we shall consider what is to be their ultimate condition; but as long as there is a war going on, until law and order are restored, until a government is established, I believe with the Denver News, as it expressed itself prior to November, 1898, and, as I think I can show, long after December, 1898, that it is our duty first to restore law and order, establish the government that we have set about establishing, and then we can determine what we shall do.

Mr. PATTERSON. I thank the Senator from Ohio for constantly referring to the Denver News. I have the assurance of the business manager that the notoriety it has given the paper has been a very large commercial advantage to it. [Laughter.]

Mr. FORAKER. Mr. President, I note again with proper appreciation that the Senator's mind runs on commercialism to-day as it did when he was writing these editorials. [Laughter.]

Mr. PATTERSON. There is one thing that the Senator from Ohio may be proud of. When he made the speech of January 11 his mind was not running on the commercial aspects of the case, but on the righteousness and the honesty and the patriotism of the question.

NO WAR THREATENED BETWEEN SPAIN AND THE FILIPINOS.

When the Senator from Ohio suggests that he had in mind the war for liberty and independence that the Spaniards were making against the Filipinos, I want him to bear in mind that when he made that speech that war had ended long before. Manila had been captured, the Spaniards had been sent back to Spain, there was not a single armed Spaniard left in the islands, and the Filipinos and Americans were in undisputed possession of the entire Philippine Archipelago. There was no more danger, Mr. President, of a hostile Spanish gun being fired then, no matter what the outcome of the treaty negotiations might have been, than there was of Spanish legions sailing to the United States to capture the city of Washington.

The only war that was spoken of was the war that seemed imminent between the American army upon the one side, which then occupied the very intrenchments that had been built and occupied by the Spaniards, and the Filipino army upon the other. It was that war the Senator referred to when he said he had "no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence."

So, Mr. President, I regret on account of the high esteem in which I hold the Senator from Ohio that he even seeks or seems (I know he does not intend to do it) to evade the real meaning and scope of that magnificently patriotic utterance.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I do not like to interrupt the Senator unduly, and I do not like to suffer in the Senator's esteem. I rise only to tell him I have not taken any issue with him as to the war about which I was talking at that time. If he wants to say that it was not the war made by the Spanish upon the Filipinos, but a war that was to be made by somebody else to suppress the resistance of the Filipinos to our authority, he is exactly correct. They had been struggling against Spain for their liberty and their independence and my sympathies were with them; but when it became a struggle between the Filipinos and the United States my sympathies were with the United States, and they have been there ever since. They will be there until the last gun has been fired and the flag floats in triumph over all enemies of the country.

Mr. CARMACK. What then?

Mr. FORAKER. Then I am ready to talk business with them or anybody else, but not until then.

Mr. PATTERSON. Will the Senator from Ohio be so kind as to tell the Senate what war he had reference to when on the 11th of January he said he had "no sympathy whatever with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence?"

Mr. FORAKER. Mr. President, I was talking about, as I said a while ago, the war that such newspapers as the Denver News were talking about making upon the Filipinos. In editorial after

editorial we were told that our authority must be asserted and all resistance to our authority must be suppressed. That I was not talking about a war that was in contemplation to be made by President McKinley is evidenced by the fact that I quoted President McKinley's proclamation to show that his purposes were purposes of peace and had no thought of war.

WHAT AMERICAN GENERALS SAID ABOUT THE PROCLAMATION.

Mr. PATTERSON. Does the Senator know that General MacArthur when asked upon the witness stand what he understood by that order of President McKinley's, if the Filipinos did not get out of the way what it would be his duty to do, he said without hesitation it would have been his duty to drive them out of the way. Can there be any question—

Mr. FORAKER. The Senator asks me if I know. I have not read General MacArthur's testimony, but I think that anybody can know who reads President McKinley's proclamation that he did not have any thought about making war upon anybody. I do not think anybody here in the Senate, except only very few, seriously contemplated that there would be war. I think the Senator from Massachusetts [Mr. HOAR] did. He talked in such a way as to indicate that he thought there was likely to be a clash.

Mr. HOAR. I did not want to mix in this discussion, but I am compelled to do so, as the Senator from Ohio [Mr. FORAKER] has referred to me, and as he has read some passages in regard to the President's purpose from documents before him. Will he read the sentence in President McKinley's proclamation which General Otis suppressed, and which he suppressed because he said if it was published it would bring on war, and which the next day—in fact, within a few hours—was brought out by General Miller, at Iloilo, and which Aguinaldo posted that night over all the walls of Manila, and replied, "If that is done we shall fight?" Will the Senator read that sentence from the President's proclamation?

Mr. FORAKER. I do not know the sentence to which the Senator refers, but if the Senator does, I will gladly turn over to him the proclamation, and he can find it and read it.

Mr. HOAR. I supposed the Senator had got it all in his mind.

Mr. FORAKER. No; I have not. If the Senator will point it out, I shall be glad to have him read it.

Mr. HOAR. If I understand the Senator, he says that President McKinley did not expect or desire war—I am not going to discuss that—but that he made a pacific proclamation and that nobody, except the Senator from Massachusetts, at that time thought there would be war.

Mr. FORAKER. Oh, no; I did not say that. I said that if there was anybody that then expected war I thought it was the Senator from Massachusetts.

Mr. HOAR. Very well, the Senator said that I was one of them.

Mr. FORAKER. I thought so.

Mr. HOAR. Before I had spoken in the Senate, when there had been no debate except a constitutional discussion by some Senator, which was merely on abstractions as to authority and international law in such circumstances, President McKinley sent a proclamation to General Otis and ordered him to proclaim it.

General Otis took a most extraordinary authority upon himself, for a general dealing with his superior, to suppress a sentence in that proclamation and to substitute for it what I understand to mean an assurance of independence and what I think the Filipino people understood to mean an assurance of independence. He did not use the word "independence," but he said that they should have that measure of liberty—which, to my mind, is the same thing—enjoyed by the freest provinces on earth or the freest countries on earth, or something of that kind. That he did. He thought—and he said he thought in his official report of what he had done—that if he had published the exact language of the President it would bring on war. If I remember the sentence aright, it was direction to go on and enforce the authority of the United States. That was not mere speculation, because General Miller, who was spoiling for a fight at Iloilo, as appears in his report, got the proclamation also and published it. So Aguinaldo had this declaration from Otis, apparently coming from President McKinley, that the Filipinos should have all the liberties of the freest provinces on earth, and apparently coming from President McKinley on the same day a direction to go on and subjugate them; and Aguinaldo thought that that proclamation, as originally written, was—and in my opinion it was—a declaration of war.

Aguinaldo took it so, and he immediately that night covered the walls of Manila with that proclamation of the President. He accompanied it with a statement that his people would fight.

THERE WERE PEACE AND ORDER THROUGHOUT THE ISLANDS.

The Senator says we are going to restore law and order. If I am not mistaken, there was not (except in those places amongst the mountains where the tribes are always barbarous) in the civilized and Christian portions of the Philippine Islands an inch of that country where law and order did not exist, except in the

two camps, and there military law and military order existed. Everywhere, except close to Manila, there was orderly, peaceful self-government, recognizing the authority of Aguinaldo's constitution of a republic. In Manila there was, on the other hand, the order kept by the United States forces, and the two hostile armies were confronting each other outside of Manila.

Now, speaking for one, and deferring to the very great intellectual grasp of my honorable friend from Ohio—and I never pay mere compliments to anybody; and I say that with absolute sincerity—I can not understand how any intelligent man who will read that history can say or think that that was a war to restore law and order.

President McKinley and those who thought with him thought that we had lawfully bought sovereignty over that people, and it did not make any difference whether they practically affirmed their independence and got shaken off from Spain or not. They thought also that we had another title to rule them; that we had in war beaten Spain, who had formerly claimed to rule them, and we got possession of the islands as booty, and it was that title that President McKinley asserted and that Aguinaldo denied. That is what the war was begun for and it is what the war has been about ever since.

As the Senator referred to me, I have thought it proper to state my view here on that subject.

Mr. FORAKER. Mr. President, the Senator certainly appreciates that I did not refer to him in any improper sense.

Mr. HOAR. Oh, no; I am sure of the kindness—

Mr. FORAKER. I simply desired to recall the events of that time.

Mr. HOAR. I wish to say, if I may add one sentence, that I know, with as absolute knowledge as any man can know, the purity of purpose, the intellectual superiority, and the intelligence of my Republican friends who differ with me on this subject. I would rather lay my right hand down on the block and have it cut off by the executioner than have to say what I have had to say and what I say now on this subject; but I am so made by the Power that created my soul and intellect that I can not see this thing in any other way. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair admonishes the galleries that it is against the rules of the Senate either to manifest approval or disapproval of what is said on the floor of the Senate; and if the offense is repeated, the galleries will be cleared.

Mr. FORAKER. If the Senator from Colorado will bear with me a moment—

Mr. PATTERSON. Certainly; with pleasure.

Mr. FORAKER. I rise more to say to the Senator from Massachusetts [Mr. HOAR] than for any other purpose, that he certainly must know that all Senators in this body, without regard to whether they are Democrats or Republicans, have for him only the highest regard and esteem. We esteem him and appreciate him not only for his ability, which is very great, but also for his most lovable character and disposition. Therefore, when we make reference to him in debate, no one ever does it except for legitimate purposes of debate. I am sure I am not the only one who can say that, but that every Senator here can say it.

I referred to the Senator only because I remembered that when I was making a speech on the 11th day of January, 1898, I had a very interesting colloquy with the Senator from Massachusetts, and I remembered also while he was sitting there and looking at me, that he had made a speech only two or three days before to which I was in part replying when the colloquy started, and recalling all those matters, I remembered that he did seem at that time to fear that there would be war in the Philippine Islands, and that there would be a clash such as some of the newspapers had been talking about. I did not fear it at that time. I had no sympathy with that idea. I say I did not anticipate that there would come a clash, but I believed as others did when the clash did come that the Filipinos were at fault and that it was precipitated without any provocation to justify it. I believed that then, and I believe it still. Inasmuch as they precipitated that clash, and war was the result of it, necessarily the whole situation was changed and since then we have had to deal with it as a condition that was changed by their action, and war has obtained there ever since. It is idle to talk now about the conditions that then obtained with a view of getting a criterion for what we are to do under the changed conditions.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PATTERSON. With pleasure.

GENERAL OTIS'S TESTIMONY.

Mr. CARMACK. Mr. President, General Otis was examined before the Philippine Committee with reference to the changes he made in the President's proclamation. He argued that it was not a proclamation which was sent to him by the President, but simply

a letter of instructions, and that he had a right to use that as a basis and change the language as he pleased. In the course of the examination he spoke of the word "sovereignty" as having a meaning attached to it by certain Filipinos that conveyed an offensive idea to them. The examination upon that question proceeded somewhat as follows, if the Senator from Colorado will excuse me for reading a little of it.

Mr. PATTERSON. Certainly.

[The quotations which Senator CARMACK read from General Otis's testimony will be found in the appendix.]

Mr. CARMACK. I beg pardon of the Senator from Colorado for consuming so much time, but I wanted to get these facts before the Senate, with his permission.

Mr. PATTERSON. I think the time has been very well occupied, because just that portion of the testimony is needed for historical accuracy.

I will not dwell longer upon the consistency or inconsistency of the Senator from Ohio.

But, Mr. President, changes about that time were not at all infrequent. The junior Senator from Iowa [Mr. DOLLIVER] in his very strong and able speech the other day referred to a change of heart that he placed upon the plane of the miraculous. That I may not be misunderstood, I will quote directly from the Senator's speech, and you will see, Mr. President, that we have changes both ways. We have changes upon the part of some who at one time believed in the Declaration of Independence, that all men are created equal and that all just powers of government are derived from the consent of the governed, to the dogmas of imperialism. Changes from the cardinal doctrine of individual liberty and national independence to the proposition that no man is entitled to liberty except that which is conceded to him and that all powers in government are derived from the consent of the strongest.

ANOTHER AND DIFFERENT CONVERSION.

That seems to have been the character of a conversion upon the part of the gentleman whom the Senator from Iowa named in the very graphic description he gave of the event. The Senator said:

To Governor William H. Taft, more than to any other man, belongs the credit of this benign interpretation of the national policy.

Unlike my friend the Senator from Colorado [Mr. PATTERSON], who does me the honor to listen to me this moment, he was not an original enthusiast on the acquisition of the islands. The President sent for him, and he carelessly boasted, before he had had an opportunity to see him, that he had not the slightest intention of going into any such business. He was judge of a circuit court of the United States, and before him there was a prospect clear as day to sit in the Supreme Court of the United States. He said he was opposed to the policy, and knew nothing about it, and cared nothing about it. He thought it was a blunder and a course of political stupidity.

He referred to the policy then being pursued by the Administration in the Philippine Islands. Then the Senator from Iowa continued:

President McKinley pressed his duty upon him. He was five hours in the President's private apartments, and when he came out he had been over the road to Damascus, a road which Victor Hugo says every man must travel who looks to any great achievement in this world, for he himself told me that in those five hours he received an altogether new revelation of the significance of a man's relation to the world in which we are living. And so, easily and happily, he turned his back on the emoluments of a great profession, laid aside the ambitions of a great career, gathered his wife and children about him, and went out from among his kindred and his countrymen to become the servant of a strange people in their blind struggle toward a larger and a better opportunity.

It will be admitted, Mr. President, that the conversion of Governor Taft occupied a much longer time than did the conversion of Saul of Tarsus. Saul was on the road to Damascus, and in the highway a great light shone about him and he fell to the earth. He was converted, and from that good moment his service was given to the Lord. He went about in poverty and hunger; he endured privation and peril; he was put in jail; he visited all parts of Asia and went to Europe, responding to the Christians' call from Macedonia. In the end he was beheaded. But Governor Taft's conversion required five hours spent in the private apartments of the President. As a result of that conversion he stepped out of an official position that brought him but \$6,000 a year into one that brought him \$20,000 a year and a palace to live in at Malacabang.

There could not have been a wiser selection for that position than Governor Taft. He is a diplomat in every sense of the word, plausible, with wonderfully developed social qualities, extremely well read, and with a large amount of worldly experience. Naturally, in my opinion, he is a man with a kindly heart; but I am inclined to the belief that he went upon a mission in which his heart was not; for if he went into the President's private apartments opposed to the policy of imperialism and came out at the end of five hours professing different views, I can not conceive how a change from an abiding faith in the Declaration of Independence, in liberty and independence for every people, to the tyrannical doctrines of imperialism could have been honestly produced. Nevertheless, Mr. President, I believe that if Gov-

ernor Taft were removed from the position in the Philippines he occupies, the greatest bulwark that exists against yet greater oppressions and outrage being imposed upon the Filipino people than they have been compelled up to this time to endure, would be removed.

ABOUT GOVERNOR TAFT'S CONVERSION.

I am positively glad that Governor Taft has returned to the Philippines, that his personality and his humanity and natural desire for justice may continue to interpose between those poor people and those who would treat them as beasts of the field. I simply refer to this for the purpose of showing that men are men, that few men are angels, and that conversions may sometimes come from other than a desire to unselfishly work out the Master's will.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. Speaking about the conversion of Governor Taft, the Senator has no doubt now that Governor Taft is thoroughly converted, as he says, to the policy the Senator has announced. I ask the Senator that question.

Mr. PATTERSON. I do not know what that has to do with this question.

Mr. BEVERIDGE. I will show you in a moment.

Mr. PATTERSON. The Senator can proceed, if he will not occupy too much time.

Mr. BEVERIDGE. I will not occupy very much of your time. Does the Senator now think that Governor Taft is for the policy which he is upholding?

Mr. PATTERSON. My opinion is that Governor Taft would do everything in his power to make the policy he has adopted win. I have no doubt about it.

Mr. BEVERIDGE. The point I was getting at is this, and that is the reason why I asked the question.

The Senator has spoken about the conversion of Governor Taft. He was quoting the Senator from Iowa [Mr. DOLLIVER] as saying that before Governor Taft's conversion he knew nothing about the policy and was against it, but now that he has informed himself by two years' of experience he does know something about the policy and is for it.

Mr. PATTERSON. As the result of that five hours' interview I have no doubt in the world that Governor Taft went to the Philippine Islands determined to do his best to make the Administration policy a success. It would not be possible that a man of Governor Taft's standing, no matter what his real views were, would undertake a mission without a full determination to do everything in his power to make that mission successful.

Mr. McCOMAS. Am I to understand that the Senator would have us believe that Governor Taft, moved by the hope of a larger salary and of living in a palace, changed his mind? Does the Senator say he did not change his mind seriously and honestly?

Mr. PATTERSON. I do not know.

Mr. McCOMAS. You said something. Do you mean that thing or the other thing?

Mr. PATTERSON. I have simply read the eloquent account of his conversion given by the Senator from Iowa—that he came to Washington opposed to the President's policy; that he went to the private apartments of the President and was there five hours, and in the mean time had passed over the road to Damascus.

Mr. McCOMAS. The Senator now says he is speaking of the statement of the Senator from Iowa. Both the Senator from Colorado and I heard Governor Taft's statement on that subject. I now ask the Senator whether he means to state here that Governor Taft, for hope of increase of salary and the chance to live in a palace, changed his mind and did not honestly change his purpose.

Mr. PATTERSON. Many things may have operated to influence his mind.

Mr. McCOMAS. Do you mean that that did?

Mr. PATTERSON. The questions that are involved in the Philippine question are great and fundamental.

Either the doctrine that all just powers are derived from the consent of the governed is true or else it is a despicable fallacy. And when men permit their minds to be changed from a position sustaining a fundamental truth to one that is its opposite and that even its own friends are not enthusiastic over, we ought to be forgiven if we do not immediately admit that it was purely a matter of conviction, and that for that conviction they would be willing even to enter the dens of wild beasts and suffer martyrdom.

Mr. McCOMAS. I do not want to interrupt the Senator further, but I am glad he stopped short of making what I would consider and what I think the American people would consider a very unworthy imputation upon an able and a sacrificing man. I am glad that the Senator from Colorado, unlike others who abuse the Army, still stops short in terms in saying of Governor Taft, with his long service and his great and splendid career, that

he had, for the hope of living in a palace and an increase of salary, changed his mind and his plan and his conviction.

Mr. PATTERSON. That was the suggestion of the Senator from Maryland and not mine.

ATTACKS UPON THE ARMY.

Mr. CARMACK. The Senator from Maryland says the Senator from Colorado is unlike other Senators who have abused the Army. Who on this side has abused the Army?

Mr. McCOMAS. If the Senator will examine the RECORD and will read the speeches, including that of the Senator himself, I think he will find it.

Mr. CARMACK. The Senator will find a number of false statements and false accusations to that effect from others. He will not find any abuse of the Army uttered by any Senator on this side of the Chamber or of its officers or its men.

Mr. McCOMAS. Of its officers?

Mr. CARMACK. You will find no abuse; you will find some just accusations against some of its officers.

Mr. McCOMAS. Against Chaffee and Funston and all the generals in the Army, nearly.

Mr. CARMACK. Not nearly all by a great deal.

Mr. McCOMAS. A great many of them.

Mr. CARMACK. Several of them; yes, sir.

Mr. McCOMAS. And by the Senator from Tennessee—

Mr. CARMACK. Yes, sir.

Mr. McCOMAS. In the RECORD.

Mr. CARMACK. In the RECORD. You will find it there and you will find it there again.

Mr. McCOMAS. Then the Senator confirms my statement.

Mr. CARMACK. The Senator has spoken about Senators upon this side abusing the Army. There has not been a single Senator on this side who has abused the Army.

Mr. McCOMAS. Take the speech of the Senator from Tennessee and several other speeches.

Mr. CARMACK. And I say it is not true.

Mr. McCOMAS. I think the RECORD—

Mr. CARMACK. I say that is not true.

Mr. McCOMAS. I think the RECORD will bear out the exact verity of my statement.

Mr. CARMACK. The RECORD will prove that the statement of the Senator is not according to the truth.

Mr. McCOMAS. I will convict the Senator by his own statement.

Mr. CARMACK. I will convict the Senator by—

Mr. McCOMAS. The Senator is rash, and is not speaking what is true by the RECORD.

WHAT GENERAL CHAFFEE SAID.

Mr. DUBOIS. Mr. President—

Mr. PATTERSON. I will yield to my amiable friend the Senator from Idaho, who can never be disturbed. His equilibrium is always perfect.

Mr. DUBOIS. I wish to ask the Senator from Maryland if he thinks General Chaffee abused the Army, according to the Associated Press report which came to us this morning?

Mr. McCOMAS. I think the Army is safe in the hands of General Chaffee, and if the discipline of the Army is left to him and other good officers it will not be overdone and supervised in bad temper on the floor of the Senate.

Mr. DUBOIS. My judgment is that General Chaffee has said more severe things about the Army, according to the Associated Press dispatch which appears in the morning paper, than has been said by anyone on this side of the Chamber—that it is the blackest page in our history, and that the officer ought not to have obeyed the order.

Mr. McCOMAS. Does not the Senator from Idaho think that he is the man who may well say it; and may we not trust him and others, after that dispatch, to uphold the good name of the Army?

Mr. DUBOIS. I quite agree with that in a measure, and I do not think that General Chaffee villifies or abuses the Army—

Mr. McCOMAS. No; he did not.

Mr. DUBOIS. Any more than Senators did who called attention to flagrant acts of violence committed by individual members of the Army under orders issued by a general of the Army.

Mr. McCOMAS. He said of one brave man that he had erred while sick. He made an excuse for him, but still he made an error. Chaffee will do his duty.

Mr. PATTERSON. It seems to me Senators on this side of the Chamber ought not to deprive those upon the other side of the only refuge left to them when under an order of the Senate an investigation was commenced and witnesses gave testimony before the committee that has startled the country, to the discredit of certain men connected with the Army. Republican Senators at first denounced the barbarisms, but instead of continuing to unite with good men of all parties in denouncing

them, they conclude that it may be of greater political advantage to turn upon this side of the Chamber and charge us with abusing the Army, hoping thereby to close the ears of old soldiers and the later ones to the truths that they realize are scandals upon the Army of which they themselves once were brave and honored members and of which they are justly proud, to induce them, from prejudice, to forego the good name of the Army for political advantage.

I think our friends upon this side of the Chamber should be quite willing to extend to those upon the other side the last and the only refuge in such a case when the purpose they have in view must be regarded as a little ignoble.

I simply alluded to the conversion of Governor Taft and its circumstances to show that men stopped short of being angels, and that strong and good and worthy men sometimes change their positions even when it might seem to be to their great personal advantage to do so.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. I will ask my honorable friend the Senator from Colorado whether what he just read about Governor Taft and the remarks he has made do not show this, rather: That when he knew nothing about the policy he was against it; when he learned all about the policy he was for it?

Mr. PATTERSON. Oh, Mr. President—

Mr. BEVERIDGE. Does it not show—

Mr. PATTERSON. I have too much regard for Governor Taft's intelligence and public spirit and knowledge of what is going on in his own country to suppose for a single instant that when he went to the President's Mansion he was not familiar with common public history. No, Mr. President; for Governor Taft's credit I am bound to assume that he had full knowledge of what the President's policy was, and, knowing the policy he opposed it, and then, induced by the President, he changed his views and became an aider and abettor of his Administration in the Philippines.

Mr. BEVERIDGE. The question is, Does he know more about the policy now than he did when he was against it?

Mr. PATTERSON. To suggest that he does not would be even a greater outrage upon the intelligence of Governor Taft.

Mr. BEVERIDGE. He does.

Mr. PATTERSON. It is a suggestion which would impugn Governor Taft's intelligence.

Mr. BEVERIDGE. He does, then—

Mr. PATTERSON. Now, I ought not to be asked to answer—

Mr. BEVERIDGE. He does know more about the policy than when he opposed it.

Mr. PATTERSON. I am glad the Senator recognizes it and announces it officially.

Mr. BEVERIDGE. Very good. It comes down to the point that when he was not personally familiar with the situation he was against the policy, and when he had personal familiarity with the policy he is for it.

Concerning the intelligence of Governor Taft and those who take his view of the policy, I will say to the Senator that he seems to confuse the word "intelligence" with agreement with the Senator.

Mr. PATTERSON. The matter is too unimportant for the Senator from Indiana or me to consume much time over it. I have said all I wanted to say about it, and, as I said before, I formed a great admiration for Governor Taft, and all I want to add now is that he stops far short of being an angel. He is not quite ready for translation, as my friend from Iowa would have had it appear in his very eloquent description of the conversion.

I am sorry the Senator from Wisconsin [Mr. SPOONER] is not here. He indulged with the Senator from Indiana and the Senator from Ohio in the merriment I have referred to, and I want to say a few words to him. Perhaps before I conclude he will be here.

Mr. President, I feel quite tired, and I should like permission to proceed to-morrow.

Mr. LODGE. Of course, I do not desire to press the Senator, if he is now feeling tired. I do not know whether there is any other Senator who cares to go on at this late hour.

Mr. PATTERSON. I will go on to-morrow.

Mr. LODGE. There is no one on our side to speak except the Senator from Wisconsin [Mr. SPOONER], who is prepared to speak when the Senator from Colorado concludes. There is no one else on this side.

Mr. FORAKER. Mr. President, if no one else cares to speak and the Senate is not too much fatigued, I should like to make an inquiry which I intended to make at the conclusion of the reading by the Senator from Tennessee [Mr. CARMACK] of General Otis's testimony, but I was unfortunately called from the Chamber, and when I returned the Senator had concluded and

the Senator from Colorado had resumed the floor and I did not care to interrupt then.

The Senator from Tennessee read his examination of General Otis when he was before the Philippine Committee as a witness as to why he had made any changes and the extent to which he made changes in the order or proclamation, whatever we are to call it, issued by President McKinley on the 21st of December, 1898. The pertinency of the question I want to put is due to the fact that I understood the Senator from Massachusetts [Mr. HOAR] to say that that was really a cause of war, and I understood the Senator from Colorado to say that that could not mean anything else than war, or words to that effect.

I am not trying to quote the language. Assuming that I am correct in stating what I understood, that that was the meaning of what they said, I want to ask the Senators this question: If it was in the mind of the President, when he issued that order or that proclamation, thereby to make war upon the Filipinos and to bring about the conditions that have since obtained, why was it that the general, through whom he promulgated the order, should have so amended it as to remove from it, as far as he could, every expression and every word that in his opinion would be obnoxious to the Filipinos? It seems to me that if the President was issuing an order with a view to making war, with a view to creating hostile sentiment and feeling and hostile action, the general in command of the army where the fighting was to be done would have had some intimation of it, and that he, furthering that purpose of the Administration at Washington, certainly would not have tried to remove from the order the vexatious and aggravating expressions to which attention has been called, if there are any such.

Mr. HOAR. I suppose—

Mr. FORAKER. I am not asking in a controversial spirit, but I simply want to learn the mental processes by which the conclusion announced has been arrived at.

Mr. HOAR. Of course nobody likes to go very far into the question what was the motive in another mind, even so exalted an intelligence as that of the late President McKinley, and possibly this question which the Senator now puts might receive a different answer on more careful reflection and inquiry. But as at present advised I suppose President McKinley did not expect any considerable forcible resistance. I suppose at that time he thought the order to go on and reduce that people to our authority would be yielded to. It was, as the Senator will agree with me certainly, if he believes them a civilized people, believing themselves entitled to independence and believing themselves to have achieved it, a declaration of war. Such a declaration made by France after the British treaty of 1783 would have been instantly followed by a declaration of defiance and hostility.

I suppose that President McKinley at that time underestimated the power of purpose of the Filipino people. General Otis knew it better, and he saw that what the President meant only as an order to compel submission would result in a very different way. He did not at that time want a fight, I suppose. General Miller, it is notorious, did. He had been saying in his letters "Let us attack now, for these people are every day getting stronger and stronger in front of me, and I should like an order to attack at once." He saw the point, and he instantly made known the proclamation. Whether you call it an order or a proclamation it was something intended to be made public.

Now, that belief of mine about President McKinley's intention at that time—I give it for what it is worth and perhaps somebody may produce something which will show I am wrong—is confirmed by the very significant testimony of Mr. Andrew Carnegie, who says in his recent article that he was at the White House; I do not remember the exact day, but just about that time; probably after the proclamation had left; I am not sure about that, but shortly before the hostilities came about. He said to President McKinley: "You will be shooting these men within thirty days." President McKinley turned to a gentleman who was present at the interview and said: "Mr. Carnegie does not understand the situation the least in the world. These Filipinos think we are their best friends, and in thirty days there will not be"—I am not giving the language, but only the substance—"a vestige of opposition there."

That is my answer to the question which I understand the Senator from Ohio to put to me. The President said, "These people must submit," and he made this proclamation to them that they had to. General Otis said, "They will not submit, and the only way to keep the peace is to tell them we are going to give them their independence," or whatever the language means. So he suppressed it. Miller produced it, and Aguinaldo met it with an instant, angry, and spirited defiance.

Mr. FORAKER. The proclamation of President McKinley, referred to, issued on the 21st day of December, 1898, was transmitted to the Philippine Island, before it was promulgated in the United States.

Mr. HOAR. Of course.

Mr. FORAKER. But it was published in the United States as early as about the 2d of January. The New York Journal had an editorial on it in its issue of January 6, 1899.

Mr. HOAR. It was published or made public in the Philippine Islands on the 7th of January.

Mr. FORAKER. What is that?

Mr. HOAR. The date of General Miller's publication of it, unless I am mistaken, was the 7th of January; perhaps it was the 6th. There was Aguinaldo's reply to it, and then came war.

Mr. FORAKER. The only point I want to make about it all is this: If Senators think that proclamation was intended by President McKinley to aggravate and arouse the Filipinos to a spirit of resistance—

Mr. HOAR. I do not.

Mr. FORAKER. I do not understand how they can reconcile it as consistent with the action of General Otis, the commanding general there, through whom it was promulgated, in eliminating what he thought might be offensive words or phrases.

Mr. HOAR. I do not think so the least in the world.

Mr. FORAKER. I do not think the Senator from Massachusetts thinks either that President McKinley had a thought of stirring up strife in the Philippines when he issued that proclamation.

Mr. HOAR. I do not think he did.

Mr. FORAKER. I think the Senator from Massachusetts—for I know his spirit of fairness—will agree with me when I say that President McKinley had but one thought in issuing that proclamation, and that was to disarm all who were distrustful, to give them assurance that they would be fairly and generously and kindly dealt with, and that there would be no resort to force, no employment of power, except only such as might be necessary to maintain order and suppress disturbance. There was no occasion for anybody to be talking about war.

Mr. HOAR. I entirely agree that that was President McKinley's feeling—

Mr. FORAKER. Undoubtedly.

Mr. HOAR. So far as I know and believe. But there was one thing he did not appreciate. He thought we had a right to make those people submit, and he undervalued the spirit of liberty in that people, and did not understand any more than some Senators in this Chamber have understood the fact that that is a principle which is born in humanity everywhere.

Mr. FORAKER. Whether or not President McKinley made a mistake of judgment I do not propose to discuss. I rose merely for the purpose of ascertaining a fact, and that was whether or not we are to understand that the charge is made that that war was brought on in a way for which President McKinley is directly responsible, and that the first overt act, the declaration of war, for that expression has been employed here, was in this proclamation of December 21, 1898.

Mr. PATTERSON. Mr. President—

Mr. FORAKER. If the Senator will pardon me just a moment until I conclude the sentence, I will yield.

It has always been my understanding, and I have not any question at all but that I am right about it, that President McKinley had no thought whatever of exciting hostility or of making war when he issued this proclamation, but that, on the contrary, he was inviting the confidence of that people. He may have proceeded in a mistaken way, but as to his purpose, as to his motive, there can not be any question, for nearly every Senator here now who was a member of this body at that time knows of his own personal knowledge that nothing was further from the mind and purpose of President McKinley than to bring about any kind of a conflict or clash of authority in the Philippine Islands. He was, by issuing this proclamation in anticipation of the ratification of the treaty, inviting the Filipinos to trust to our authority and to await our action in confidence that they would be properly and justly dealt with. If they had done so, a very different chapter might possibly have been written. Nobody can tell as to that. That is all speculation. Now I yield to the Senator.

Mr. PATTERSON. In the course of my remarks I did not say a word about President McKinley or what was in President McKinley's mind at the time the proclamation was issued. It was issued very early in January. It was on February 4 that the attack was made to which I directed both my attention and my remarks. The treaty had been signed by the commissioners in Paris at the time of the issuance of this proclamation, and as I understand it, the treaty was then before the American Senate. I doubt if it was clearly understood what the mind of the American Senate was at that time upon the treaty. I am inclined to think, although I was not a member of the Senate, that there were many executive sessions in which the treaty was discussed in secret, and in which much information pro and con was given, and that much enlightenment resulted.

I fully agree with the Senator from Massachusetts that in all

human probability when President McKinley issued that proclamation he did it under the impression, at least in the hope, that the Filipinos, recognizing the power and the purpose of the United States not only to claim sovereignty over the islands but to exercise it and to do whatever might be necessary to secure it, would not oppose what must have seemed to the Filipinos and to President McKinley the inevitable outcome. Resistance to the proclamation meant war, as a matter of course. There was no doubt about that. So the commanders of the American army in the Philippines clearly recognized, and they so said.

But President McKinley probably did not expect war. He hoped there would be no war. What he desired at that time was to secure recognition upon the part of Aguinaldo and his army of the sovereignty of the United States, clear and undisputed, over their islands. Not anticipating and not believing, as the Senator from Massachusetts says, that the spirit of liberty and the desire for independence were as deeply planted in their hearts as subsequent events have demonstrated, he issued the proclamation and took the chances, hoping that it would be recognized and acted upon. But as time went on, as the struggle grew fiercer in the Senate—I have no idea that President McKinley was a party to it, and I can not say that it is so except as I am impressed with a pretty strong belief—there were influences at work which brought about that conflict just at that particular time, when so much was in the balance, and when but one result could follow and that result did follow. That is the view I take of it.

Mr. FORAKER. Mr. President, my object is accomplished. I only wanted to have an explicit understanding to the effect, if Senators agreed with me, as I thought they would when their attention was called to it, that the proclamation or order of President McKinley was not issued as a declaration of war on the Filipinos, and it was quite a mistaken view for anybody so to regard it.

Mr. HOAR. I should like to ask a question just there.

Mr. FORAKER. Well.

Mr. HOAR. I ask the Senator if, in his judgment, whether it was so intended by President McKinley or not, it would not be accepted by any brave and spirited people who conceived themselves entitled to their independence as a declaration of war?

Mr. FORAKER. Well, I do not know how people would regard it.

Mr. HOAR. If that had been made to the people of Ohio, being a people, or the people of the United States by any other power on earth, would not the Senator have resented it as a declaration of war?

Mr. FORAKER. It would depend, in the case put by the Senator, entirely on circumstances and conditions. The circumstances and conditions and facts obtaining in the Philippines at the time when the President issued the proclamation must determine whether or not he was justified in issuing it.

Mr. HOAR. Will the Senator be good enough to state any conceivable condition in which if that declaration were made to the people of Ohio, he being alive, would not have been resented as a declaration of war?

Mr. FORAKER. No such condition as that which obtained in the Philippines at the time when this proclamation was issued could be thought to exist under any conceivable circumstances with respect to the people of Ohio. But if the Senator wants to know a condition under which it might be issued where a people would not have a right so to regard it, I point him to the case of the Philippines. The Filipinos had no right whatever, in my judgment, so to regard this proclamation, and all the leading Democratic papers in this country, as well as the leading Republican papers, so declared at the time, for they nearly all praised it as an appropriate and opportune action on the part of the President. I was going to read just one expression which is characteristic of all of them. The New York Journal on the 6th day of January, 1899, speaking of this proclamation, said:

President McKinley's proclamation to the people of the Philippines, through General Otis, ought to insure their hearty cooperation in our work of regeneration.

It is beyond reasonable doubt that the inviting prospect of peace, order, liberty, and prosperity under the American flag will be welcomed with joy by the masses of the Filipinos.

Mr. HOAR. But that is the proclamation with the suppressed passage out. It came out here first, and they did not get the real one until later.

Mr. FORAKER. It is not the proclamation with the suppressed passage out, but the proclamation as issued.

Mr. HOAR. Very well.

Mr. FORAKER. The proclamation was published in this country as the President issued it, and the copy I am reading from was attached—

Mr. HOAR. What is the date?

Mr. FORAKER. December 21, 1898. I was about to say it is attached to the speech I made in the Senate on the 11th day of January. We had it under discussion here as early as the 6th

day of January. It was given out here in Washington just as the President issued it. That identical proclamation was issued by the President, received the approbation of the New York Journal and of nearly all the papers that I quoted from the other day, representing, I think, the best Democratic thought in this country. They thought it a wise and opportune action on the part of the President.

But, Mr. President, the point I wanted to get at was to secure what I understand I have secured—an explicit admission from those with whom I do not agree about the Philippine question that this proclamation of the President was not a declaration of war, intended so on his part, but that it was issued in good faith for the purpose of promoting and making sure that we would have no war.

Mr. HOAR. If the Senator will pardon me, I do not like his word "admission" very well.

Mr. FORAKER. Well, put it "concession."

Mr. HOAR. I do not like the word "concession" very well. When I am talking about President McKinley anywhere I do not "admit" or "concede" that he meant to do what he thought was right; I affirm it.

Mr. FORAKER. The Senator has said now more than I asked him to say.

Mr. HOAR. I have said it a great many times.

Mr. FORAKER. I said "admit" or "concede" simply because the Senator referred to it as a proclamation of war by the President, and I wanted the Senator to recall that. I wanted him to admit that it was not a declaration of war. Now he affirms that it was not a declaration of war. With that I am very well satisfied.

Mr. HOAR. My friend misunderstands me again.

Mr. FORAKER. No; within the intention of the President.

Mr. HOAR. That is another point. I say that, according to the law of nations, according to the practice of all civilized men, according to the practice of all brave nations who are not civilized, such a statement of a purpose to enforce submission in whatever phrase you put it is a declaration of war, coming from another nation. That I affirm. I think that President McKinley did not believe they were a brave and spirited nation capable of that emotion, and therefore he did not mean it as a declaration of war. If he had believed it, what Otis believed when he suppressed it, he would not have made it. Now, I do not like to be spoken of as admitting or conceding, as if something were forced out of me.

Mr. FORAKER. Mr. President, I recall those words.

Mr. HOAR. What I have said I have said forty times before.

Mr. FORAKER. I have not any disposition at all to put the Senator in an attitude that he does not like. I only want it understood that no one here is charging President McKinley with intentionally issuing a declaration of war.

Mr. HOAR. That is true.

Mr. FORAKER. But his purpose was just the opposite of it. Everybody knows that, and I think everybody ought to concede it.

Mr. PATTERSON. But, Mr. President, I think it will be admitted, even by the Senator from Ohio, that the effect of that proclamation was, no matter with what purpose it was issued, if the Filipinos did not submit to that asserted sovereignty then war must inevitably follow. Either it was an idle declaration not to be enforced by the American Army or it was a declaration which meant what it said, that the officers to whom it was addressed shall see that sovereignty is recognized and that armed opposition to it is gotten out of the way.

Mr. FORAKER. That is a different proposition, which I am not discussing. I want to understand whether or not the motive of President McKinley is assailed or whether it is conceded or affirmed to be what I affirm it to be.

Now, that being the case, the further fate of this order is pointed out to us by the testimony given before the Commission as to what was done when it fell into the hands of General Otis. The Senator from Tennessee has made us familiar with that. He has shown that when General Otis acted with respect to this order some time in January, after it had been received at Manila, he eliminated from it every word or expression that he thought could give any offense or any excuse for hostilities. I suppose in view of that Senators will agree that we may all affirm that General Otis was not trying to use this order so as to make war, but that his purpose was to purchase peace instead. I want to know when the war commenced.

Mr. HOAR. But the trouble was, if the Senator will pardon me, that General Otis put into it a declaration absolutely inconsistent with the language he had suppressed. Both went to the Filipino people at the same moment, and they said, as far as our President is concerned, "Of course these people are not dealing with us in good faith; this general tells us we are to have all the privileges that belong to the most favored peoples on earth, all the liberty, which, of course, includes independence in the ordinary

estimate of man, when he has got an order from the ruler of his people in his pocket saying that we are to be subjugated." That is the trouble. Further (and this confirms what my honorable friend said, that President McKinley did not mean a declaration of war, which I join him in affirming), President McKinley showed that he did not mean it, because he did not reprove or rebuke Otis for the act, but he quietly acquiesced in it.

Mr. CARMACK and Mr. PATTERSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. PATTERSON. Who has the floor?

Mr. FORAKER. I have had the floor. The Senator from Colorado suspended for the day, I understand.

Mr. PATTERSON. That is right.

Mr. FORAKER. Then I took the floor and I have been trying to hold it ever since. I do not care how many interruptions there are, but of course I can not yield to more than one at a time.

Mr. PATTERSON. The Senator from Ohio is right.

Mr. FORAKER. I only want to say one word in answer to the Senator from Massachusetts. I do not understand that General Otis put into this proclamation by the President anything that was inconsistent with the text. The Senator used the expression that he inserted phrases which were inconsistent. If he did, I remain to be corrected. I am not aware that he did. Certainly he has never admitted that he did, so far as I know.

Mr. HOAR. The Senator will pardon me. He struck out the declaration saying that our generals were to go on and reduce them to submission. I have not got the words, but that is the substance. And he put in instead a declaration that they were to have all the liberties which were enjoyed by the most favored people.

Mr. FORAKER. I have that order.

Mr. HOAR. I have not the language, but that is the substance of it.

Mr. FORAKER. I will say to the Senator from Massachusetts he will not find in the order the President issued any such direction to our generals.

Mr. HOAR. No; but that is the substance of it.

Mr. FORAKER. He will simply find there a direction to take steps to institute civil government and restore law and order, and then in concluding he does speak about the necessity of having authority respected, and that in a proper way such force will be employed as may be necessary to suppress disturbance.

Mr. CARMACK. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. CARMACK. The proclamation as sent by the President, or the letter of instructions, contains the word "sovereignty" and a number of words indicating the purpose of the United States to establish their sovereignty over the Philippine Islands. General Otis struck out of that proclamation the word "sovereignty" and every word that bore a meaning similar to the word "sovereignty."

Mr. HOAR. That was the very purpose.

Mr. CARMACK. That was the very purpose. It indicated a purpose to maintain a future political domination over the people of the Philippine Islands. That was the question I put to him. He first said that he struck out the word "sovereignty" because that word had come to have a peculiar and a sinister meaning to the people of the Philippine Islands; but it appeared that he not only struck out the word "sovereignty," but he struck out the words "supreme authority," "supremacy of the United States," "lawful government of the United States," and every word that indicated a purpose to maintain the sovereignty of the United States over the Philippine Islands.

Now, the point for which I had that testimony read was not to show that President McKinley had any evil, or violent, or war-like purpose with reference to the Philippines; but I believe, as the Senator from Massachusetts has said, that the President did not realize the situation. As he said in one of his addresses, and I have no doubt he believed it, "the people in the Philippines who are loyal to the United States and who want to support the authority of the United States outnumber its opponents in the ratio of a thousand to one." I have no doubt he believed that. But, as a matter of fact, that proclamation was a declaration of war. It was a declaration on the part of the President to destroy the liberty and the independence of the people of the Philippine Islands.

Mr. GALLINGER. Mr. President, I ask the Senator from Ohio if he desires to go on further to-night with the discussion of the unfinished business?

Mr. FORAKER. I understand the Senator from New Hampshire has some pension bills to be considered, and I will suspend for the present.

Mr. GALLINGER. If no one else desires to go on with the unfinished business, I ask unanimous consent that it be temporarily laid aside and that the Senate proceed to consider unobjectioned pension bills and bills to correct the records of soldiers.

Mr. McLAURIN of Mississippi. Before that is done, if the

Senator will permit me, I wish to insert in the RECORD a couple of letters.

Mr. GALLINGER. I yield for that purpose.

Mr. McLAURIN of Mississippi. Mr. President, eight or ten days ago I read from the Springfield Republican and stated that I understood it to be a Republican newspaper. That statement was denied. The senior Senator from New Hampshire [Mr. GALLINGER] stated that it was a Democratic newspaper. I took occasion immediately afterwards to write to the editor of the Springfield Republican, and I have his reply. I have had it for some time and I have been waiting an opportunity to insert it in the RECORD at a time when no one else desired to occupy the floor to debate the pending bill. I will read the letter:

THE REPUBLICAN, ESTABLISHED IN 1824 BY SAMUEL BOWLES,
Springfield, Mass., May 19, 1902.

Hon. A. J. McLAURIN,
Senator of the United States—

Mr. ALDRICH. Mr. President, it is impossible to hear the Senator from Mississippi on this side of the Chamber. I suggest that the letter either be read at the desk or that we have better order. I should like very much to hear the communication read.

Mr. McLAURIN of Mississippi. The letter is as follows:

THE REPUBLICAN,
ESTABLISHED IN 1824 BY SAMUEL BOWLES,
DAILY, SUNDAY, WEEKLY,
Springfield, Mass., May 19, 1902.

Hon. A. J. McLAURIN,
Senator of the United States.

MY DEAR SIR: In reply to yours of May 17, would say: Since 1872 the Springfield Republican has been an independent newspaper in the full sense of the term, owing no allegiance to either or any political party, but supporting those candidates and policies which at any given time have seemed to its conductors to give promise of best serving the interests of the people of the United States. In pursuit of this broad purpose we have kept in mind the ideal of service and republicanism which Lincoln and Sumner and John A. Andrew of this State represented in the period of their activity before 1872, when this journal was reckoned a Republican newspaper, given to an honest freedom of expression. In 1872 its entire independence was declared, and its motto has been "All the news and the truth about it."

The Republican believes that the office of a public journal is so far judicial as to call for entire freedom from party trammels or partisan bias, leaving it in a position to make the public interest its supreme concern, and so no party can claim it or have any claim upon it save by the virtue of good works.

In exposition of the paper's independence it may be added that in the Presidential contests since and including 1872 the Republican has supported Greeley, Hayes, Garfield, Cleveland, McKinley, and Bryan—three Democrats and three Republicans. In the election of governors and Congressmen our support has been most often given, dominated by the merits of the case, to the Republican candidates.

I am, very sincerely, yours,

S. B. GRIFFIN, Managing Editor.

It will be noticed that the editor reckons Greeley among the Democratic candidates supported for President. Greeley never was a Democrat and never claimed to be a Democrat; he was a Republican.

Mr. HOAR. He was nominated by a Democratic convention. Mr. McLAURIN of Mississippi. He was nominated first by a Republican convention in 1872, and afterwards by the Democratic convention, but he never did claim to be a Democrat, and his nomination was first by a Republican convention.

Again, it will be noticed that in the election in 1896 the Springfield Republican supported Mr. McKinley. After the Republican party had entered upon its imperialistic policy it supported Bryan in 1900.

I also wrote at the same time to the editor of the Philadelphia North American. I will read what he says in reply:

THE NORTH AMERICAN, NORTH AMERICAN BUILDING,
Philadelphia, May 18, 1902.

Hon. A. J. McLAURIN,
United States Senate, Washington, D. C.

It will be remembered that when I read from the Philadelphia North American it was stated by the senior Senator from Connecticut [Mr. PLATT] that that was a Democratic paper, or he denied that it was a Republican paper and stated that it was such a paper as the New York Journal. He admitted, however, that it was owned and edited by the son of John Wanamaker.

THE NORTH AMERICAN, NORTH AMERICAN BUILDING,
Philadelphia, May 18, 1902.

Hon. A. J. McLAURIN,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your letter of inquiry, I will say that the North American is a Republican newspaper, and has been such since the formation of the party. Its Republicanism is of that old-fashioned kind which finds its foundation in a deep veneration for the principles of the Declaration of Independence. In this connection I may also say that this journal was the first daily newspaper in America to publish and approve the Declaration of Independence.

As throwing additional light on the politics of the North American, I inclose the editorial statement of principles printed May 15, 1899, when the paper came into the possession of the present proprietors. From the lines marked out in this editorial there has been no deviation.

I will say, in conclusion, that although it is a Republican newspaper, as between commercialized Republicanism and right, the North American is for the right.

Very sincerely,

E. A. VAN VALKENBURG,
Editor.

I do not know that this clipping throws any light upon the matter, but it is possible that the editor intended that it should

go in as a part of his answer to the question I propounded. Therefore I will read the following editorial from the Philadelphia North American of May 15, 1899:

In politics, while maintaining its traditional Republicanism, it will nevertheless support honest candidates against dishonest ones, pure causes against corrupt ones, and the people against the bosses, regardless of party name or party effect. Above all, it will stand for the rights of the many against the power and aggression of the privileged few. Democratic civilization in the largest sense and the promotion of equality and social equity will be its mission and its hope.

The guiding star of its existence will be the truth. The truth it will publish, no matter whom it helps or whom it hurts. Its columns will always be hospitable to truthful news. The primary function of a newspaper is to record interesting and important happenings in the life of its particular community and of the world. This function the North American will discharge fearlessly, impartially, and faithfully. It will be a live, clean, up-to-date newspaper, as free from sensationalism on the one hand as from Puritanism on the other. It will be a journal to be trusted for truth, accuracy, completeness, and honesty. No exigency will induce a departure from any of these canons of worthy journalism.

In writing to ask the editors of these papers their political views, I stated that I intended to put their answers into the RECORD, and that is what I have done.

CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Now, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate may proceed with the consideration of unobjected pension bills and bills correcting military records on the Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order is made.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved, etc., That the Committee on Enrolled Bills in the enrollment of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

Mr. PROCTOR. The object of that resolution is to correct a clerical error of \$3,000 in adding up the items in one of the lines of appropriation.

Mr. BATE. Is it merely to correct an error in addition?

Mr. PROCTOR. It is precisely the agreement arrived at, and it is to correct a clerical error in adding up different items.

Mr. BATE. And not in any way changing any of the provisions adopted in the bill?

Mr. PROCTOR. It does not change anything at all beyond correcting the addition of figures.

I move that the Senate concur in the resolution of the House of Representatives.

The motion was agreed to.

The PRESIDING OFFICER. The bills on the Calendar under the order just adopted will be proceeded with.

WILLIAM C. HOLCOMB.

The bill (H. R. 6087) granting an increase of pension to William C. Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Holcomb, late of Company E, Fifth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHARINE RAINS PAUL.

The bill (H. R. 11249) granting an increase of pension to Katharine Rains Paul was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Rains Paul, widow of Charles Rodman Paul, late lieutenant-colonel, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES H. DUNN.

The bill (H. R. 8134) granting an increase of pension to James H. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Dunn, late captain of Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI MAXTED.

The bill (H. R. 357) for the relief of Levi Maxted was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Infantry," to insert "and that he be granted an honorable discharge as of September 1, 1865;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against Levi Maxted, late of Company H, First Regiment Nebraska Volunteer Infantry, and that he be granted an honorable discharge as of September 1, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL F. HALL.

The bill (S. 1343) to correct the military record of Samuel F. Hall was considered as in Committee of the Whole. It directs the Secretary of War to amend the records of the War Department so as to show that Samuel F. Hall was mustered into service a private of the Thirty-third Regiment New York Volunteer Infantry July 6, 1861, and was honorably discharged as of that grade on August 5, 1861, and that he shall be held and considered to have been a member of that regiment on and between the dates specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM WILLIAMS.

The bill (H. R. 2901) to remove the charge of desertion borne opposite the name of Abram Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Abram Williams, formerly a private in Company B, Seventh Michigan Cavalry Volunteers, so as to show that he died February 6, 1865, and that he be held as not having deserted from the military service of the United States: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FREDERICK KROFF.

The bill (S. 4401) granting an increase of pension to Frederick Kroff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Kroff, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MELISSA BURTON.

The bill (H. R. 13211) granting a pension to Melissa Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa Burton, widow of William Burton, late of Company A, First Regiment Tennessee Volunteer Light Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVALINE JENKINS.

The bill (H. R. 9695) granting an increase of pension to Evaline Jenkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evaline Jenkins, widow of David B. Jenkins, late sergeant, Company F, Second Regiment Tennessee Volunteer Infantry, and first lieutenant Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST SCHILL.

The bill (H. R. 5475) granting a pension to August Schill, alias August Silville, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Schill, alias August Silville, late of Company M, Fourth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH G. GETTY.

The bill (H. R. 12428) granting an increase of pension to Elizabeth G. Getty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth G. Getty, widow of George W. Getty, late brigadier-general, United States Volunteers, and colonel, United States Army, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ETNA POOLE.

The bill (H. R. 2286) granting an increase of pension to Mary Etna Poole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Etna Poole, widow of David Poole, late captain Company F, Eleventh Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BUTLER.

The bill (H. R. 7560) granting an increase of pension to George W. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Butler, late of Company G, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. BALL.

The bill (H. R. 11288) granting an increase of pension to William E. Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Ball, late of Company H, United States Mounted Rifles, war with Mexico, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ZEBULON A. SHIPMAN.

The bill (H. R. 9794) granting a pension to Zebulon A. Shipman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zebulon A. Shipman, late private, United States Marine Corps, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW R. JONES.

The bill (H. R. 6718) granting an increase of pension to Andrew R. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew R. Jones, late of Company D, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES EDWARD PRICE LANCE.

The bill (H. R. 5551) granting an increase of pension to Charles Edward Price Lance, alias Edward Price, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Edward Price Lance, alias Edward Price, late of Company E, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PITSAR INGRAM.

The bill (H. R. 2289) granting an increase of pension to Pitsar Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pitsar Ingram, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. THOMAS.

The bill (S. 7) granting an increase of pension to William H. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

R. SHERMAN LANGWORTHY.

The bill (S. 1132) granting a pension to R. Sherman Langworthy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Sherman Langworthy, late of Company B, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to R. Sherman Langworthy."

HENRY W. TRYON.

The bill (S. 2051) granting an increase of pension to H. W. Tryon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "W. Tryon," to strike out the initial "H." and insert "Henry;" in the same line, before the word "Company," to strike out "of" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Tryon, late first lieutenant Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry W. Tryon."

FREDERICK BULKLEY.

The bill (S. 5648) granting an increase of pension to Frederick Bulkley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bulkley, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SMITH.

The bill (H. R. 2623) granting an increase of pension to John Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Smith, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and Troop A, Fifth Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES A. TILLOTSON.

The bill (H. R. 5248) granting a pension to Frances A. Tillotson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances A. Tillotson, widow

of William T. Tillotson, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SCOTT.

The bill (H. R. 11124) granting an increase of pension to Mary Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Scott, widow of Daniel L. Scott, late an unassigned private of the Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WHITE.

The bill (H. R. 13614) granting an increase of pension to William H. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. White, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. WEST.

The bill (H. R. 4542) granting a pension to Eliza J. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. West, widow of Elisha B. West, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and to pay her a pension of \$12 per month, and \$2 per month additional for each of the minor children of the soldier until such children shall have arrived at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. ANDERTON.

The bill (H. R. 13037) granting an increase of pension to Francis W. Anderton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Anderton, late first lieutenant Company I, Eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES H. ANTHONY.

The bill (H. R. 7319) granting an increase of pension to Frances H. Anthony was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "child," to strike out "of," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances H. Anthony, widow of De Witt C. Anthony, late lieutenant-colonel Twenty-third and colonel Sixty-sixth Regiments Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving: *Provided, however,* That in the case of the death of the helpless child, Myrtilla H. Anthony, on whose account the pension of Frances H. Anthony is increased, the pension of said Frances H. Anthony shall continue only at the rate of \$8 per month from and after the date of death of said helpless child.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELEANOR EMERSON.

The bill (H. R. 12983) granting an increase of pension to Eleanor Emerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleanor Emerson, widow of Warren C. Emerson, late major and additional paymaster, United States Volunteers, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KELLEY.

The bill (S. 2265) granting an increase of pension to William Kelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kelley, late of Companies A and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDEREKA SEYMORE.

The bill (S. 4190) granting a pension to Fredereka Seymore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredereka Seymore, widow of George Seymore, late of Company F, Twentieth Regiment United States Infantry, and pay her a pension at the rate of \$8 per month, and \$2 per month additional on account of each of the minor children of the said George Seymore until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Fredereka Seymore."

FANNIE FROST.

The bill (S. 5263) granting a pension to Fannie Frost was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the words "New York," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie Frost, widow of Robert Frost, late of Company B, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'CUIEN.

The bill (H. R. 9833) granting an increase of pension to Margaret McCuen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret McCuen, widow of Alexander McCuen, late captain Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID TOPPER.

The bill (H. R. 12422) granting an increase of pension to David Topper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Topper, late of Company C, One hundred and sixty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. CRIST.

The bill (H. R. 8487) granting an increase of pension to John M. Crist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Crist, late of Company K, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE CHAMBERLIN.

The bill (H. R. 12779) granting an increase of pension to George Chamberlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Chamberlin, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. TURNER.

The bill (S. 5856) granting an increase of pension to Elizabeth A. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Turner, widow of James A. Turner, late of Company B, Fourth Regiment United States Artillery, Seminole Indian war, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA E. KENDRICK.

The bill (S. 5741) granting a pension to Mrs. William H. Kendrick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Kendrick, widow of William H. Kendrick, late second lieutenant Captain E. E. Mizell's company, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Martha E. Kendrick."

THOMAS D. UTTER.

The bill (S. 5748) granting an increase of pension to Thomas D. Utter was considered as in Committee of the Whole.

The bill was reported to the Committee on Pensions with an amendment, in line 6, after the name "Thomas D.," to strike out "Utter" and insert "Utter;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Utter, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas D. Utter."

FLETCHER J. WALKER.

The bill (S. 484) granting an increase of pension to Fletcher J. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Regiment;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fletcher J. Walker, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS HANNAH.

The bill (S. 1981) granting a pension to Thomas Hannah was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Hannah, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Hannah."

SARAH A. WHITCOMB.

The bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Whitcomb, widow of Asabel D. Whitcomb, late first lieutenant Company E, First Regiment Missouri Volunteer Engineers, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANGUS CAMERON.

The bill (S. 5500) granting an increase of pension to Angus Cameron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in line 8, after the word "he," to strike out "now receives" and insert "is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus Cameron, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 p. m.) the Senate adjourned until to-morrow, Tuesday, May 27, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1902.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Robert S. McCormick, of Illinois, now envoy extraordinary and minister plenipotentiary there, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary, to fill an original vacancy.

SECRETARY OF EMBASSY.

Chandler Hale, of Maine, now secretary of legation at that place, to be secretary of the embassy of the United States at Vienna, Austria, to fill an original vacancy.

SECOND SECRETARY OF EMBASSY.

George Barclay Rives, of New Jersey, now third secretary of the embassy at Berlin, to be second secretary of the embassy of the United States at Vienna, Austria, from July 1, 1902, to fill an original vacancy.

THIRD SECRETARY OF EMBASSY.

Charles Richardson, of Massachusetts, to be third secretary of the embassy of the United States at Berlin, Germany, from July 1, 1902, vice George Barclay Rives, nominated to be second secretary of the embassy at Vienna.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Samuel B. Grubbs, of New York, to be a passed assistant surgeon, to rank as such from May 19, 1902, in the Marine-Hospital Service of the United States.

Asst. Surg. John McMullen, of Maryland, to be a passed assistant surgeon, to rank as such from May 17, 1902, in the Marine-Hospital Service of the United States.

MARSHAL.

William M. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri, vice Louis C. Bohle, whose term expired April 17, 1902.

RECEIVER OF PUBLIC MONEYS.

George A. McKenzie, of California, to be receiver of public moneys at Stockton, Cal., to take effect June 17, 1902, at expiration of his present term. (Reappointment.)

APPOINTMENTS IN THE ARMY.

ARTILLERY CORPS.

Sergt. Emmett R. Harris, Troop L, Eighth Cavalry, United States Army, to be second lieutenant, September 23, 1901, to fill an original vacancy.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Hamilton Bowie, of Alabama, late first lieutenant, Fortieth Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Thomas E. Cathro, of Indiana, late corporal, Company D, One hundred and fifty-eighth Indiana Volunteers, February 2, 1901, to fill an original vacancy.

Artillery Corps.

Frederick E. Gignoux, of Nevada, late first lieutenant, Eleventh Cavalry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Guy B. G. Hanna, of Iowa, late sergeant, Company D, Porto Rico Regiment, United States Volunteer Infantry, September 23, 1901, to fill an original vacancy.

George P. Hawes, jr., of Virginia, late private, Company A, First Cavalry, United States Volunteers, September 23, 1901, to fill an original vacancy.

Charles F. Donnohue, of Indiana, late first lieutenant, One hundred and fifty-ninth Indiana Volunteers, September 23, 1901, to fill an original vacancy.

William B. Brister, of New Jersey, late first lieutenant, Fourth New Jersey Volunteers, September 23, 1901, to fill an original vacancy.

Roger O. Mason, of Delaware, late second lieutenant, First Delaware Volunteers, September 23, 1901, to fill an original vacancy.

Harrie F. Reed, of New York, late second lieutenant, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Walter C. Baker, of Pennsylvania, late sergeant, Company C, Sixth Pennsylvania Volunteers, September 23, 1901, to fill an original vacancy.

Charles A. Clark, of Illinois, late sergeant, Company I, Fourth Illinois Volunteers, September 23, 1901, to fill an original vacancy.

Avery J. Cooper, of Oregon, late private, Company L, Second Oregon Volunteers, September 23, 1901, to fill an original vacancy, Robert Davis, of New York, late first sergeant, Company F, Two hundred and first New York Volunteers, September 23, 1901, to fill an original vacancy.

Frank Geere, of Wyoming, late sergeant, Company G, First Wyoming Volunteers, September 23, 1901, to fill an original vacancy.

Natt F. Jamieson, of Vermont, late sergeant, Company L, Twenty-sixth Infantry, United States Volunteers (now private, Company C, First Battalion of Engineers, United States Army), September 23, 1901, to fill an original vacancy.

Richard I. McKenney, of Minnesota, late private, Company C, Thirteenth Minnesota Volunteers, September 23, 1901, to fill an original vacancy.

Andrew W. Jackman, of Illinois, late private, Company F, First Illinois Volunteers, September 23, 1901, to fill an original vacancy.

George L. Wertenbaker, of Virginia, late sergeant, Company D, Third Virginia Volunteers, September 23, 1901, to fill an original vacancy.

Richard P. Winslow, of Mississippi, late corporal, Company F, First Tennessee Volunteers, September 23, 1901, to fill an original vacancy.

Nelson E. Margetts, of Utah, late corporal, Battery A, Utah Volunteer Artillery, September 23, 1901, to fill an original vacancy.

John V. Spring, of Texas, late sergeant, Company I, First Texas Volunteer Cavalry, September 23, 1901, to fill an original vacancy.

Infantry Arm.

Robert O. Ragsdale, of Tennessee, late first lieutenant, Thirty-seventh Infantry, United States Volunteers, February 2, 1901, to fill an original vacancy.

Augustus F. Dannemiller, of Ohio, late private, Company I, Eighth Ohio Volunteers, February 2, 1901, to fill an original vacancy.

Algernon E. Sartoris, of the District of Columbia, May 22, 1902, vice Kerr, Twenty-second Infantry, promoted.

Charles A. Hunt, of New Hampshire, May 22, 1902, vice Cabell, Fifth Infantry, promoted.

Leo B. Dannemiller, of Ohio, May 22, 1902, vice Game, Eleventh Infantry, promoted.

Harry Griffin Leckie, of Virginia, May 22, 1902, vice Stuart, Seventh Infantry, promoted.

Claire R. Bennett, of Washington, May 22, 1902, vice Patten, Thirteenth Infantry, promoted.

Charles Wells, of Pennsylvania, May 22, 1902, vice Major, Fourteenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1902.

MARSHAL.

Andrew J. Houston, of Texas, to be United States marshal for the eastern district of Texas.

POSTMASTERS.

Benjamin J. Maltby, to be postmaster at Northford, in the county of New Haven and State of Connecticut.

William H. Foote, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

Joseph W. Gary, to be postmaster at Caribou, in the county of Aroostook and State of Maine.

Thomas G. Herbert, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine.

HOUSE OF REPRESENTATIVES.

MONDAY, May 26, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Our Father, who art in heaven, we thank Thee for Thy silent, yet potent influence, which Thou art ever exercising in the minds and hearts of Thy children, and which is ever leading them onward and upward to higher attainments. Grant that we may be more susceptible to Thy influence, until we all come into the measure of the stature of the fullness of Christ. Hear us, O Lord, when we pray for the friends and bereaved family of the late Lord Pauncefoot, who so long, so faithfully, and efficiently served his country among us, and won the esteem and respect of our people by his generous and courteous methods, socially and officially. Comfort all who mourn his loss, and they are legion, by the blessed hope of the immortality of the soul, as revealed in the life and resurrection of Thy Son our Lord Jesus Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I call up for present consideration the conference report on the Agricultural appropriation bill, which was printed in the proceedings of Friday last. I ask for the adoption of the report.

Mr. SULZER. I call for the regular order.

The SPEAKER. The conference report is the regular order.

Mr. WADSWORTH. I ask that the statement of the House conferees be read and the reading of the report omitted.

There was no objection.

The statement, as published in connection with the report, in the House proceedings of May 23 was read.

The conference report was agreed to.

Mr. WADSWORTH. I ask unanimous consent to offer a resolution for the purpose simply of correcting in the bill an error in arithmetic.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a resolution bearing upon the Agricultural appropriation bill. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the Committee on Enrolled Bills, in the enrollment of House bill 13895, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

Mr. RICHARDSON of Tennessee. Reserving the right to object—

Mr. WADSWORTH. I ask the gentleman to let me make an explanation before he objects.

Mr. RICHARDSON of Tennessee. I am asking now for some explanation. I do not like this idea of correcting bills after they have passed the House and before the ink is dry.

Mr. WADSWORTH. The error in the present case arose in this way: We agreed upon a lump sum of \$296,000 for the agricultural experiment appropriation. By an oversight we failed to rearrange the items making up that aggregate sum; and the object of this resolution is simply to cut down one of those items from \$40,000 to \$37,000—simply to correct an error, if I may so call it, in arithmetic.

Mr. RICHARDSON of Tennessee. Who made the error? Who is responsible for it?

Mr. WADSWORTH. It is a joint error of the conferees. We agreed upon a lump sum, but we failed to rearrange the items forming that lump sum.

Mr. RICHARDSON of Tennessee. Are you sure that the conferees agree that this is an error that should be corrected?

Mr. WADSWORTH. The items call for \$3,000 more than the lump sum agreed upon; and we simply cut down the items to accord with the sum—\$296,000.

Mr. RICHARDSON of Tennessee. And the Senate conferees now agree with the conferees of the House that the addition was wrong; and this is simply to correct the addition?

Mr. WADSWORTH. That is all.

Mr. RICHARDSON of Tennessee. And there can be no further call for resolutions correcting this bill?

Mr. WADSWORTH. No, sir.

There being no objection, the House proceeded to the consideration of the resolution; which was adopted.

ADDITIONAL CLERKS FOR COMMITTEE ON ENROLLED BILLS.

Mr. JOY. I desire to report back a privileged resolution from the Committee on Accounts.

The Clerk read House resolution No. 243, as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee to serve during the remainder of the present session, to be paid out of the contingent fund of the House at the rate of \$6 per day.

The resolution was adopted.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. By direction of the Committee on Appropriations, I ask unanimous consent to take from the Speaker's table the amendments of the Senate to the urgent deficiency appropriation bill and to move that they be concurred in.

The amendments of the Senate to the bill (H. R. 14589) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, were read.

The SPEAKER. The gentleman from Illinois asks the consent of the House to take this bill from the Speaker's table for present consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to concur in the amendments of the Senate.

The question was taken and the amendments agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I will send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the following bill for consideration:

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Is not the regular order the disposition of pension bills which were undisposed of on Friday afternoon, the previous question having been ordered on them?

The SPEAKER. The demand for the regular order would bring up the undisposed of private bills which were reported from the Committee of the Whole on Friday last, and on which the previous question was ordered.

Mr. SULZER. I call for the regular order.

Mr. BABCOCK. Mr. Speaker, I would ask the gentleman from New York if he would kindly withhold that motion for a short time?

Mr. SULZER. It will take only a few moments to dispose of this matter.

Mr. BABCOCK. The District Committee will get through with its work on the floor in less than an hour.

Mr. SULZER. It will take only a few moments to dispose of these bills.

MICHAEL MULLET.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will report the bill which the House had under consideration at the adjournment on Friday last, the question being on the passage of the bill, which the Clerk will report by its title for the information of the House.

The Clerk read as follows:

House bill 11879, to correct the military record of Michael Mullet.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 48, noes 50.

Mr. SULZER. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 73, answered "present" 41, not voting 162; as follows:

YEAS—75.

Adams,	De Armond,	Livingston,	Ruppert,
Alexander,	Draper,	Lloyd,	Ryan,
Allen, Ky.	Emerson,	McCulloch,	Selby,
Ball, Tex.	Esch,	McDermott,	Shafroth,
Bell,	Foster, Ill.	McLain,	Shallenberger,
Blackburn,	Glenn,	Mickey,	Sherman,
Boutell,	Goldfogle,	Minor,	Snook,
Bowie,	Hay,	Moody, N. C.	Stark,
Brantley,	Hopkins,	Mudd,	Stewart, N. Y.
Brundidge,	Jack,	Mutcher,	Storm,
Burnett,	Jenkins,	Pierce,	Sulloway,
Candler,	Jett,	Powers, Me.	Sulzer,
Clark,	Kahn,	Powers, Mass.	Tirrell,
Cochran,	Kern,	Randell, Tex.	Wanger,
Conry,	Kitchin, Claude	Ransdell, La.	Williams, Ill.
Coombs,	Knapp,	Reid,	Williams, Miss.
Cooper, Wis.	Lanham,	Richardson, Tenn.	Wilson,
Cowherd,	Lessler,	Rixey,	Zenor.
Davis, Fla.	Lewis, Ga.	Rucker,	

NAYS—73.

Babcock,	Eddy,	Lacey,	Patterson, Pa.
Ball, Del.	Finley,	Landi,	Payne,
Bartholdt,	Fletcher,	Latimer,	Ray, N. Y.
Bishop,	Gardner, Mich.	Lever,	Rumple,
Bromwell,	Gibson,	Littlefield,	Shattuc,
Brownlow,	Graff,	Loud,	Sims,
Burk, Pa.	Greene, Mass.	McCleary,	Snodgrass,
Burke, S. Dak.	Hedge,	McLachlan,	Sperry,
Butler, Pa.	Hemenway,	Mann,	Spight,
Cannon,	Henry, Conn.	Martin,	Stevens, Minn.
Capron,	Henry, Miss.	Metcalf,	Tawney,
Cassel,	Hill,	Mondell,	Tompkins, Ohio
Clayton,	Holliday,	Moody, Oreg.	Tongue,
Conner,	Howell,	Morgan,	Underwood,
Corliss,	Hull,	Moss,	Warner,
Cousins,	Jones, Wash.	Otjen,	Woods.
Cromer,	Joy,	Overstreet,	
Currier,	Kleberg,	Palmer,	
Dalzell,	Klutz,	Parker,	

ANSWERED "PRESENT"—41.

Bartlett,	Grow,	McRae,	Smith, Ky.
Burleson,	Hamilton,	Maddox,	Stephens, Tex.
Cassingham,	Hepburn,	Miers, Ind.	Sutherland,
Cooper, Tex.	Hitt,	Morris,	Tate,
Dinsmore,	Hooker,	Naphen,	Taylor, Ala.
Driscoll,	Irwin,	Padgett,	Thomas, Iowa
Evans,	Johnson,	Pou,	Trimble,
Foster, Vt.	Kitchin, Wm. W.	Rhea, Va.	Wheeler.
Gaines, Tenn.	Lawrence,	Richardson, Ala.	
Gilbert,	Little,	Robinson, Ind.	
Griffith,	McClellan,	Slayden,	

NOT VOTING—162.

Acheson,	Deemer,	Knox,	Schirm,
Adamson,	Dick,	Kyle,	Scott,
Allen, Me.	Dougherty,	Lamb,	Shackleford,
Applin,	Douglas,	Lassiter,	Shelden,
Bankhead,	Dovener,	Lester,	Sheppard,
Barney,	Edwards,	Lewis, Pa.	Showalter,
Bates,	Elliott,	Lindsay,	Sibley,
Beidler,	Feely,	Littauer,	Skiles,
Bellamy,	Fitzgerald,	Long,	Small,
Belmont,	Fleming,	Loudenslager,	Smith, Ill.
Benton,	Flood,	Lovering,	Smith, Iowa
Bingham,	Foerderer,	McAndrews,	Smith, H. C.
Blakeney,	Fordney,	McCall,	Smith, S. W.
Boreing,	Foss,	Mahon,	Smith, Wm. Alden
Bowersock,	Fowler,	Mahoney,	Southard,
Breazeale,	Fox,	Marshall,	Southwick,
Brick,	Gaines, W. Va.	Maynard,	Sparkman,
Bristow,	Gardner, N. J.	Mercer,	Steele,
Broussard,	Gill,	Meyer, La.	Stewart, N. J.
Brown,	Gillet, N. Y.	Miller,	Swanson,
Bull,	Gillett, Mass.	Moon,	Talbert,
Burgess,	Gooch,	Morrell,	Taylor, Ohio
Burkett,	Gordon,	Needham,	Thayer,
Burleigh,	Graham,	Neville,	Thomas, N. C.
Burton,	Green, Pa.	Nevin,	Thompson,
Butler, Mo.	Griggs,	Newlands,	Tompkins, N. Y.
Calderhead,	Grosvenor,	Norton,	Vandiver,
Caldwell,	Hall,	Olmsted,	Van Voorhis,
Connell,	Hanbury,	Patterson, Tenn.	Vreeland,
Cooney,	Haskins,	Pearre,	Wachter,
Creamer,	Haugen,	Perkins,	Wadsworth,
Crowley,	Heatwole,	Prince,	Warnock,
Crumpacker,	Henry, Tex.	Pugsley,	Watson,
Curtis,	Hildebrandt,	Reeder,	Weeks,
Cushman,	Howard,	Reeves,	White,
Dahle,	Hughes,	Robb,	Wiley,
Darragh,	Jackson, Kans.	Roberts,	Wooten,
Davey, La.	Jackson, Md.	Robertson, La.	Wright,
Davidson,	Jones, Va.	Robinson, Nebr.	Young.
Dayton,	Kehoe,	Russell,	
De Graffenreid,	Ketcham,	Scarborough,	

Mr. CAPRON. I would like to ask if my colleague, Mr. HILL, is recorded as voting?

The SPEAKER. He is not recorded.

The Clerk will report the pairs.

The following pairs were announced:

Until further notice:

Mr. REEDER with Mr. WHITE.

Mr. LONG with Mr. BELMONT.

Mr. IRWIN with Mr. GOOCH.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. SUTHERLAND with Mr. JACKSON of Kansas.

Mr. THOMAS of Iowa with Mr. BANKHEAD.

Mr. STEELE with Mr. COOPER of Texas (except revenue cutter).

Mr. BARNEY with Mr. MCRAE.

Mr. SOUTHARD with Mr. NORTON.

Mr. SKILES with Mr. TALBERT.

Mr. SMITH of Iowa with Mr. PADGETT.

Mr. BINGHAM with Mr. CREAMER.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. CURTIS with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. JOHNSON.

Mr. LOVERING with Mr. CONRY.

Mr. GILLET of Massachusetts with Mr. NAPHEN.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. GORDON with Mr. SCOTT.
Mr. BURKETT with Mr. SHALLENBERGER.
Mr. GILL with Mr. ROBB.
Mr. DAVIDSON with Mr. FEELY.

For one week:

Mr. SAMUEL W. SMITH with Mr. DOUGHERTY.
Mr. BEIDLER with Mr. HOOKER.
Mr. DARRAGH with Mr. MIERS of Indiana.
Mr. ROBERTS with Mr. VANDIVER.

Mr. CRUMPACKER with Mr. GRIFFITH (except on currency and banking bills).

Mr. DAHLE with Mr. THOMPSON.
Mr. BROWN with Mr. FITZGERALD.
Mr. BATES with Mr. BELLAMY.
Mr. TAYLER of Ohio with Mr. WILLIAM W. KITCHIN.

On this vote:

Mr. DEEMER with Mr. GRIGGS.
Mr. DICK with Mr. BURLISON.
Mr. MORRIS with Mr. SPARKMAN.
Mr. HITT with Mr. DINSMORE.
Mr. HAMILTON with Mr. LITTLE.
Mr. BRISTOW with Mr. RHEA of Virginia.
Mr. MARSHALL with Mr. ADAMSON.
Mr. CALDERHEAD with Mr. DAVEY of Louisiana.
Mr. FOSTER of Vermont with Mr. POU.
Mr. DOVENER with Mr. EDWARDS.
Mr. MERCER with Mr. WOOTEN.
Mr. NEEDHAM with Mr. SCARBOROUGH.
Mr. NEVIN with Mr. SHACKLEFORD.

For the session:

Mr. YOUNG with Mr. BENTON.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. WRIGHT with Mr. HALL.
Mr. BOREING with Mr. TRIMBLE.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. HEATWOLE with Mr. TATE.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. BULL with Mr. CROWLEY.

For ten days:

Mr. MILLER with Mr. THOMAS of North Carolina.
Mr. WM. ALDEN SMITH with Mr. ROBINSON of Indiana.

Until Tuesday, May 27:

Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. GARDNER of New Jersey with Mr. MOON.

Until May 29:

Mr. EVANS with Mr. JONES of Virginia.

May 26, 27, and 28:

Mr. GROSVENOR with Mr. BARTLETT.

On this day:

Mr. ACHESON with Mr. BREAZEALE.
Mr. BRICK with Mr. BROUSSARD.
Mr. BURLEIGH with Mr. BURGESS.
Mr. BURTON with Mr. LESTER.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. CUSHMAN with Mr. CALDWELL.
Mr. DOUGLAS with Mr. COONEY.
Mr. FOERDERER with Mr. ELLIOTT.
Mr. FORDNEY with Mr. FLEMING.
Mr. FOSS with Mr. FLOOD.
Mr. GILLET with Mr. FLOYD with Mr. FOX.
Mr. GRAHAM with Mr. HENRY of Texas.
Mr. HAUGEN with Mr. HOWARD.
Mr. HUGHES with Mr. KEHOE.
Mr. VREELAND with Mr. LAMB.
Mr. KETCHAM with Mr. LASSITER.
Mr. KNOX with Mr. LINDSAY.
Mr. KYLE with Mr. MAHONEY.
Mr. LEWIS of Pennsylvania with Mr. McANDREWS.
Mr. LITTAUER with Mr. NEWLANDS.
Mr. MAHON with Mr. NEVILLE.
Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.
Mr. WATSON with Mr. PUGSLEY.
Mr. WADSWORTH with Mr. ROBINSON of Nebraska.
Mr. PEARRE with Mr. THAYER.
Mr. WARNOCK with Mr. SHEPPARD.
Mr. SCHIRM with Mr. SMALL.
Mr. SHELLEN with Mr. WILEY.
Mr. SOUTHWICK with Mr. SWANSON.

The SPEAKER. On this question the yeas are 73, the nays are 73, present 40. The bill is lost.

Mr. HULL. I move to reconsider and to lay that motion on the table.

The SPEAKER. The gentleman from Iowa moves to reconsider the last vote and lay that motion on the table. Without objection, the latter motion will be agreed to.

There was no objection.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be permitted to finish its business at this time.

Mr. WANGER. I call for the regular order.

The SPEAKER. The regular order is demanded, and the Clerk will report the first bill.

HOUSE BILLS WITH AMENDMENTS PASSED.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, and the bills as amended were ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

H. R. 13233. A bill granting a pension to William A. Nelson;
H. R. 13178. A bill granting a pension to William F. Bowden;
H. R. 8644. A bill granting a pension to John W. Thomas;
H. R. 11893. A bill granting an increase of pension to Mrs. Dennis, of Turin, Coweta County, Ga. (title amended);
H. R. 14224. A bill granting an increase of pension to Margaret S. Tod;
H. R. 14251. A bill granting a pension to Hugh J. Reynolds;
H. R. 14234. A bill granting a pension to John Williamson;
H. R. 14359. A bill granting a pension to Luther G. Edwards;
H. R. 2783. A bill granting a pension to William Dixon;
H. R. 13683. A bill granting an increase of pension to Ella S. Mannix (title amended); and
H. R. 6414. A bill granting an increase of pension to William W. H. Davis.

PENSION BILLS WITHOUT AMENDMENTS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 5152. A bill granting a pension to Mary Welch;
H. R. 14208. A bill granting an increase of pension to Alexander Murdock;
H. R. 11711. A bill granting an increase of pension to Isaac Gibson;
H. R. 13505. A bill granting an increase of pension to William F. Stanley;
H. R. 11252. A bill granting an increase of pension to Edwin M. Gowdey; and
H. R. 11374. A bill granting an increase of pension to William McCord.

The following Senate bill with amendment, favorably reported from the Committee of the Whole, was considered, and the amendment recommended by the Committee of the Whole agreed to. The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed:

S. 4927. An act granting an increase of pension to Hattie M. Whitney.

SENATE BILLS WITHOUT AMENDMENTS PASSED.

The following Senate bills without amendments, favorably reported from the Committee of the Whole, were severally considered, ordered to a third reading, read the third time, and passed:

S. 2551. An act granting a pension to Amelia Engle;
S. 4706. An act granting an increase of pension to William Harrington;
S. 4732. An act granting an increase of pension to Charles H. Hazzard;
S. 3998. An act granting an increase of pension to Emma L. Kimble;
S. 4871. An act granting an increase of pension to Helen M. Worthen;
S. 4983. An act granting a pension to John W. Smoot;
S. 4655. An act granting an increase of pension to Oliver K. Wyman;
S. 4862. An act granting an increase of pension to James Welch;
S. 1797. An act granting an increase of pension to Benjamin Russell;
S. 3888. An act granting an increase of pension to Jesse H. Hubbard;
S. 5371. An act granting an increase of pension to Jonathan O. Thompson;
S. 2168. An act granting an increase of pension to Charles O. Baldwin;
S. 2697. An act granting an increase of pension to Sarah F. Baldwin;
S. 4415. An act granting an increase of pension to Vesta A. Brown;
S. 4758. An act granting an increase of pension to Mary L. Doane;
S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;

S. 4820. An act granting an increase of pension to Nimrod Headington;
 S. 4853. An act granting an increase of pension to Amos Moulton;
 S. 4712. An act granting an increase of pension to Eliphlet Noyes;
 S. 5153. An act granting an increase of pension to Eri W. Pinkham;
 S. 2511. An act granting an increase of pension to William Phillips;
 S. 1038. An act granting an increase of pension to Gustavus C. Pratt;
 S. 5106. An act granting an increase of pension to Horace L. Richardson;
 S. 4790. An act granting a pension to Stephen A. Seavey;
 S. 4730. An act granting an increase of pension to George W. Youngs;
 S. 2457. An act granting an increase of pension to Warren Y. Merchant;
 S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;
 S. 3551. An act granting an increase of pension to John P. Collier;
 S. 4240. An act granting an increase of pension to Calvin N. Perkins;
 S. 712. An act granting an increase of pension to John Housiaux;
 S. 4759. An act granting an increase of pension to Martha Clark;
 S. 4638. An act granting a pension to Helena Sudsbury;
 S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;
 S. 5759. An act granting an increase of pension to Charles T. Crooker;
 S. 5669. An act granting a pension to Charlotte M. Howe;
 S. 4642. An act granting an increase of pension to Anne Dowery;
 S. 2535. An act granting an increase of pension to Annie E. Joseph;
 S. 5670. An act granting a pension to Samuel H. Chamberlin;
 S. 4766. An act granting an increase of pension to James P. McClure;
 S. 5202. An act granting an increase of pension to Jennie M. Wagner;
 S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin; and
 S. 4927. An act granting an increase of pension to Hattie M. Whitney.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

MICHAEL MULLEN.

The SPEAKER. The Chair announces to the House that the clerks, upon a careful reexamination of the roll call recently completed, find that there was a name transposed, which made a change in the number voting, so that the yeas are 74 and the nays 73, present 40. This error, of course, must be corrected, and does not require unanimous consent. Therefore the bill was passed. [Laughter and applause.]

On motion of Mr. SULZER, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING THE USE OF TELEPHONE WIRES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill H. R. 12865.

The Clerk read as follows:

A bill (H. R. 12865) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

Be it enacted, etc., That all telephone poles and the wires attached thereto not the property of the United States or the District of Columbia now upon the streets and avenues within the section of the District of Columbia bounded by a line beginning at Second and B streets southeast and running thence along B street south, Third street west, Missouri avenue, Sixth street west, B street north, Twenty-third street west, Rock Creek, Cincinnati street, Columbia road, Thirteenth street west, R street north, New Jersey avenue, C street north, and Second street east to the point of beginning, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this act as expeditiously as may be consistent with the public interests; and the said Commissioners are hereby empowered and directed from time to time to authorize any individual, company, or corporation now operating and maintaining a telephone plant or system, partly overhead and partly underground, in the District of Columbia, to extend and enlarge its system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said city and District as may be requisite and necessary for the purposes of this act and for the reception of such other cables and wires as may be reasonably required in the future by the growth of such individual, company, or corporation or to adequately meet the requirements of the public for telephone service.

SEC. 2. That upon the approval of this act, and from time to time thereafter, any individual, company, or corporation now maintaining and operating

a telephone plant or system in said District, partly overhead and partly underground, shall prepare and submit to the said Commissioners a plan or plans, or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof, and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the section in said District described in section 1 of this act the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be, without impairing the efficiency of the telephone service in said District, the individual, company, or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and wires except such as said Commissioners may, in accordance with the provisions of this act, permit to remain for the purpose of distributing wires for house connections.

SEC. 3. That any individual, company, or corporation owning and maintaining such poles and wires attached thereto on or over any street or avenue within the section of the District described in section 1 of this act who shall willfully neglect or refuse to remove the same, as provided in section 2 hereof, shall be liable to a penalty of not more than \$25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

SEC. 4. That said Commissioners be, and they are hereby, empowered to authorize the erection and maintenance of poles in the alleys of said city and District and the stringing thereon of telephone conductors from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and also to authorize the erection of telephone poles in the District of Columbia outside the limits of the section of said District described in section 1 of this act and the stringing thereon of telephone conductors for house connections or for connection with lines outside the District of Columbia; also to authorize the erection of such poles and the stringing thereon of such wires in the streets and avenues of said city and District in the parts thereof in which there are no public alleys, and in such other places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in section 1 of this act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, but where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners; but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this act, which is to cause to be removed from the streets and avenues within the section of said District described in section 1 of this act all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telephone service in said District and without denying to the public reasonable telephone facilities at all times.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided*, That in all conduits so constructed such space shall be furnished to the District of Columbia as may be necessary for its fire-alarm or police-patrol wires or cables, carrying low potential currents of electricity, free of charge: *And provided further*, That the number of ducts so reserved in any one conduit shall not be more than three.

SEC. 6. That the said Commissioners are empowered to authorize any such individual, company, or corporation now owning and operating any lines of street poles and wires and any alley poles or alley-pole line within the District of Columbia and outside of the section described in section 1 of this act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for the purpose of making hose connections or for connecting with telephone lines outside the District of Columbia.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The amendments recommended by the committee were read, as follows:

Amend title of bill so that it shall read as follows: "A bill regulating the use of telephone wires in the District of Columbia."

Page 2, line 8, strike out the words "and directed."

Page 4, line 12, strike out the words "and directed."

Page 6, line 9, strike out the words "and directed."

Add a new section, as follows:

"SEC. 7. That Congress reserves the right to alter, amend, or repeal this act."

Mr. BABCOCK. Mr. Speaker, I have sent to the Clerk's desk two amendments that I wish to have pending for the information of the House.

The SPEAKER. The Clerk will report the amendments.

The amendments were read, as follows:

Amend section 1 by striking out in the tenth line thereof "Thirteenth street west" and inserting in lieu thereof the following: "Sixteenth street west (extended), Park street, Whitney avenue, and Eleventh street west."

Amend the title so as to read: "A bill to regulate the use of telephone wires in the District of Columbia."

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

Mr. HEPBURN. Mr. Speaker—

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the amendments offered by the gentleman from Wisconsin.

Mr. HEPBURN. Mr. Speaker, I ask for some explanation of this bill on the part of the gentleman from Wisconsin.

The SPEAKER. Does the gentleman desire to have that before the amendments are adopted?

Mr. HEPBURN. Yes.

The SPEAKER. The gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, the purpose of this bill is to provide, first, for the removal of all overhead wires in the thickly settled portion of the city, and to provide also for underground conduits to take their place. The bill in its provisions gives to the Commissioners of the District of Columbia the same authority to grant permits to the telephone company that the electric-light companies and the gas companies now have under the present law. At this time the Commissioners and the telephone company are confronted with a peculiar condition of affairs. There are now some 700 applications on file for telephones that the company is unable to install for the reason that they can build no more underground conduits without the authority of Congress. The Commissioners have also issued all the permits that they are authorized to do and can give no further permit for construction, either underground or overhead. We have had in the committee a number of complaints, not only from citizens of Washington but from members of Congress, who wanted to know why they can not get telephones put in. These are the facts as presented to the committee, not only by the Commissioners but by the telephone company themselves.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. TAWNEY. Will not the effect of this section, or the section which authorizes the construction of these conduits, be to virtually give the telephone company that to-day controls the business in this city an absolute monopoly in the city of Washington? Would it not be better, in the interest of the users of the telephones, to have this so arranged that if there is another company that might want to install a telephone a telephone exchange in this city they may, upon paying reasonable compensation therefor, be permitted to use these conduits we are now authorizing the construction of?

Mr. BABCOCK. I want to say to the gentleman from Minnesota that that is the very condition that the District Committee and the Commissioners have guarded against. This bill does not grant a single right or privilege to this telephone company. It simply authorizes and empowers the Commissioners to do certain things in their discretion and judgment, and interferes in no manner whatever with any other company.

Mr. TAWNEY. But the gentleman knows very well that the discretion given to the Commissioners will inure wholly to the benefit of the existing telephone company. They will be the company designated and authorized to construct these conduits. Now, after the construction the only way that a new company or a competing company can get into this city is by building additional conduits, tearing up the streets, etc., which may be objectionable to the Commissioners or the District, and for that reason the right would not be granted, whereas when you are building these conduits you ought, in my judgment, to reserve to any competing company that might want authority to install a telephone system the right to use these conduits, subject to the conditions that they shall pay a reasonable compensation for the benefit of that right. Then there would be no opportunity for the existing telephone company to extort unreasonable prices, as they are doing from the telephone users of this city.

Mr. BABCOCK. Is the gentleman through with his question? [Laughter.]

Mr. TAWNEY. Yes.

Mr. BABCOCK. I want to say if the gentleman had given attention to the work done by the committee and by the House during past sessions in struggling with the conduit question perhaps he would not have made that statement. I myself, or the committee I have the honor to represent, have for more than one session endeavored to perfect a measure by which one system of conduits would accommodate all of the wires necessary in the city, but after a great many hearings and a great many efforts and a great many propositions were considered it all fell down. That was several years ago, and since that time no legislation has been enacted by the House, except the telephone bill we passed during the last session to a company that proposed to make rates of \$36 and \$54 for telephones. The House passed the bill and it went to the Senate and was defeated.

Mr. HEPBURN. May I remind the gentleman of another bit of legislation we indulged in? Did not Congress impose upon this telephone company a certain system of rates that they have contemptuously ignored and refused to pay any attention or obedience to? Was not there legislation of that kind?

Mr. BABCOCK. Mr. Speaker, in answer to the gentleman I will say that there was legislation of that kind.

Mr. HEPBURN. Which the gentleman overlooked.

Mr. BABCOCK. No; I did not overlook it. In reference to that amendment adopted by the House, it was one making all tele-

phone charges the same, a flat rate of \$50. It was an amendment to an appropriation bill. That was taken into the courts here in the District of Columbia, and the court decided that the rate was inadequate for service rendered. It is now pending in the Supreme Court of the United States, and this legislation has been delayed and deferred waiting for that decision from the Supreme Court.

The demand, Mr. Speaker, has become such for telephones, and the necessities of the public of the growing city are such that some action must be taken, and I have been personally urged by the Commissioners to take some action, and take it promptly.

Now, I want to say to the gentleman from Iowa that I voted for that amendment, that I supported the telephone bill that passed the House; and I want to say further, Mr. Speaker, that at the time we passed the bill chartering another telephone company they received a charter from the city of Baltimore, and that to-day they have applied to the city council of Baltimore, after installing 8,000 telephones at \$36 and \$54, for permission to change their rates. In common parlance they have thrown up the sponge, and say they can not conduct the business at those rates because they are not sufficient for the ordinary expenses of the company. If the gentleman wants it I can furnish him with the facts and the data.

Mr. HEPBURN. I would like to see the facts contradistinguished from the statements made by these companies. I want to remind the gentleman of this fact—that all over the country, in all villages of this country, people are having telephone service of the best character at one-half the rates, in some instances, that were fixed in this statute of ours, and that, if my friend will permit me to say it, I think that whenever it was established that the rate of \$50 in the city of Washington was a confiscatory rate, that there was some scoundrelism somewhere along the line that established that proposition.

Mr. BABCOCK. Mr. Speaker, this bill does not propose to do with rates.

Mr. HEPBURN. No, if the gentleman will permit me; but it proposes to enlarge the powers, through the action of the Commissioners, of this telephone company that is rendering this inadequate service and is standing here in contempt of an act of Congress.

Mr. BABCOCK. I would like to ask the gentleman from Iowa a question. Does he believe that it is desirable and good public policy for a telephone company to come to Congress when they want to make a house connection, when they want to cross the sidewalk, when they want to install a wire to reach and accommodate certain sections of the city?

Mr. HEPBURN. Certainly not; and if the gentleman will let me continue my answer, neither do I think it wise to waive the policy of excluding overhead wires from this city, having refused over and over again to grant privileges of that kind to railway companies, and when we have required wires to be removed from a street, neither do I think it is wise to put the power into the hands of the Commissioners and fill your alleys with these wires. I do not think that is policy, and that is what is done. I do not think it is policy to grant a company now in contempt, now refusing obedience to law, one iota of privilege, and while I would do anything I could to compel them to a proper observance of fair dealing with their customers and with the people, I would not extend one privilege to them until they had complied with the law already made.

Mr. BABCOCK. Well, Mr. Speaker, the gentleman overlooked one fact, and that is that the overhead wires and poles can not be taken down until Congress has authorized some substitute. Under the present law this company can not build a foot of conduit in the city of Washington. Now, this bill authorizes the Commissioners to give them authority to build conduits and to put in wires. How would the gentleman accomplish results differently? Will he suggest in his wisdom some way of disposing otherwise of the wires?

Mr. HEPBURN. You propose to give them here in this bill the power to extend conduits. You give them the power to maintain these poles, and you impose no limitation as to how long they shall maintain these poles. You put upon them no requirement to place conduits in lieu of these poles. There is not in this bill a word of prohibition on the one hand or of requirement on the other. You give the Commissioners the amplest power to grant to this company all the further privileges that they may want, and you put no restraining hands upon them at all.

Mr. BABCOCK. Mr. Speaker, the gentleman evidently takes a view of this bill that is farfetched. Now, this is a bill which requires certain things to be done. It requires conduits to be built; it authorizes the Commissioners to require certain work to be done, and to put the wires into the conduits.

Mr. HEPBURN. That is, in the streets, not in these alleys. It is a power to enlarge their business, to increase their service, and all that; and yet you have not done anything whatever to compel

them to observe the law. Why do you not put a condition in here that these privileges shall be available to them when they have complied with the statute now on the statute book?

Mr. BABCOCK. Would the gentleman vote for a law that the Supreme Court would say confiscates the property of this company?

Mr. HEPBURN. I would not care what the supreme court of this District might have said on a question of this kind.

Mr. BABCOCK. I mean the Supreme Court of the United States.

Mr. HEPBURN. Who tried this case? Who made up the case? What was there tried? The case was prepared, I undertake to say, in all its features in the interest of the telephone company; and the court under such circumstances has held that a \$50 rate is confiscation. Does the gentleman believe that? He voted for this bill. Does he not know that there was some chicanery, some fraud, some deceit, brought to bear upon that court?

In the town where I live, in all the villages of this country, we are getting to-day the very best telephone service, with the very best appliances and with long-distance phones, for \$25 a year, where there are only three or four hundred subscribers. The gentleman knows that is being done; yet, in a city like this, where there are eight thousand, ten thousand, or fifteen thousand subscribers, paying \$125 or \$150 a year these gentlemen constituting this company are saying that there is confiscation if you add new lines and require a \$50 rate. I think the gentleman knows that that is only a pretense.

Mr. BABCOCK. I am astonished, Mr. Speaker, that the gentleman should suggest that the courts here are guilty of chicanery.

Mr. HEPBURN. I did not say the courts were guilty of chicanery, but that imposition was practiced upon them.

Mr. BABCOCK. The parties who defended this suit were the Commissioners or other officers of the District of Columbia; and never in all my experience as chairman of the District Committee have I found one circumstance upon which it could be charged that there had been chicanery or dishonest acts on their part. And certainly I do not believe that the gentleman from Iowa wants to make that broad charge. I believe that they have done their duty honestly and faithfully. This matter of rates has gone to the Supreme Court of the United States; and as I stated before, the officials of the District of Columbia have waited and waited for this decision, and the committee has waited without taking any action, until we have reached the point where some action is necessary.

I believe I may say here that no member of this House has done more than I have to secure the rights of citizens on the rate question. I supported the amendment to which the gentleman has referred.

Mr. HEPBURN. Then you believed in it?

Mr. BABCOCK. I did.

Mr. HEPBURN. And you believed in it from observation?

Mr. BABCOCK. I believed in it from observation, but not from information.

Mr. HEPBURN. Were you not informed?

Mr. BABCOCK. No, sir; I am not informed. And is the gentleman from Iowa informed what this service can be rendered for?

Mr. HEPBURN. I have not a bit of doubt but that the gentleman is informed; and while he has not studied this matter from the statements of interested telephone people he has observed what other companies are doing in other places. He has observed at what rates this valuable service is rendered to other communities, and therefore he takes the position of believing that when a man says it costs four times as much to render the service in the city of Washington as it does to render it in the villages of this country of four and five and six thousand inhabitants that man simply lies in his own interest and he does not believe him, and therefore he is not willing to foster his interests while he is imposing upon the public in that way. Now, I say that this bill does nothing but to increase the value of this franchise to this company that is now contumacious of an act of Congress, that is now robbing the people of this District every day, and that ought to be brought in some way or other to a speedy reckoning with the people. [Applause.]

Mr. BABCOCK. Mr. Speaker, I am very sorry that the gentleman from Iowa finds so many robbers and conspirators this morning.

Mr. HEPBURN. No; he has found but one; he has found only one.

Mr. BABCOCK. I want to call his attention to a few facts—

Mr. HEPBURN. And that is the telephone company.

Mr. BABCOCK. I desire to call his attention to a few facts that evidently he is not advised about. First, I wish to ask him a question, as to whether he can state to this House what the telephone rates are here to-day.

Mr. HEPBURN. I know this. I know that I tried to get the service in my house and I could not do it for less than \$75 or \$80.

Mr. BABCOCK. Now, I will state a few facts in reference to these matters, which will probably be a matter of news to the gentleman from Iowa. The rates that were in force in the District of Columbia at the time this amendment was passed on the appropriation bill were \$96 flat for private residences and \$125 for business houses?

Mr. HEPBURN. When?

Mr. BABCOCK. At the time the amendment was passed on the appropriation bill. I do not remember the date. Now, the present rate runs from \$36 to \$120 for the year. The highest rate in the city is in the largest business houses, \$120 for unlimited service, and it runs down to \$36 in private houses.

Mr. HEPBURN. The gentleman ought to explain that \$36 business. It is simply a delusion and a snare.

Mr. BABCOCK. I will explain it, if the gentleman will permit me.

Mr. WACHTER. With about 12 on a line.

Mr. BABCOCK. Here is the rate which is published by the company, and anybody can see it. I will say, Mr. Speaker, that since that time the telephone rates have been reduced more than 35 per cent.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Is it to be a question or a speech?

Mr. TAWNEY. Is it not a fact that the \$36 rate is the rate given to people who will go on to a party wire?

Mr. BABCOCK. A party wire.

Mr. TAWNEY. Where there are from four to eight subscribers?

Mr. BABCOCK. No; four.

Mr. TAWNEY. Four is the limit?

Mr. BABCOCK. Yes.

Mr. TAWNEY. So that the company is getting out of the service of one wire four times \$36 a year.

Mr. BABCOCK. That is hardly a fair statement, Mr. Speaker, because there are four telephones.

Mr. TAWNEY. That is a question.

Mr. BABCOCK. The rates, as I stated before, since this discussion in the House, have been reduced more than 35 per cent. Now, Mr. Speaker, the amendment that I offer increases the area of the proposed underground system in the city, and includes Washington Heights, Columbia Heights, and all of the thickly settled part of Washington. It meets the views of the Citizens' Association and of the District Commissioners; and I would ask, Mr. Speaker, that that amendment be read—the amendment that I offered to the first section.

The SPEAKER. The Chair will state that the committee amendments in the bill have been adopted, but the amendments offered by the gentleman from Wisconsin have not yet been voted on. If there is no objection, they will again be read to the House.

The Clerk again read the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. COWHERD. Mr. Speaker, I would ask that the gentleman yield to me for a few minutes.

The SPEAKER. Does the gentleman yield?

Mr. BABCOCK. Certainly.

The SPEAKER. How much time does the gentleman yield?

Mr. COWHERD. I desire about five minutes.

Mr. BABCOCK. I will yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I suppose I violate no confidence of the committee in saying that when this matter first came up in the committee I opposed the passage of the bill at that time, not because I opposed any particular provision in the bill, but I thought the time was not ripe for legislating on this subject. As everyone knows the history of this telephone case, there is now pending in the Supreme Court of the United States a case appealed first from the supreme court of the District, and then again from the court of appeals of the District.

That case arose upon the law under which we fixed the rates at \$50 a year. As I understand it, the supreme court of the District held the rate fixed by Congress to be unreasonable. The court of appeals of the District reversed the supreme court and sustained the law. The case is now pending in the Supreme Court of the United States. I thought we should wait until that case was determined. The matter has been argued and submitted there and has been held by the court now for something more than a month. If nothing is done in the passage of this bill, or this bill amended as it may be by the House, the people of the District will be unable to obtain additional telephone service until Congress shall act upon the matter at the next session. Now, the matter has been held here before the House since it was reported by the committee, something over a month, I think, or nearly two months. I do not feel like opposing the passage of this bill any longer. I am not opposed to the provisions of the

bill. As I understand the provisions of the bill, they simply give to this company the right to extend its wires and conduits under the authority of the Commissioners of the District without coming to Congress for a special act.

Now, I fully agree with the gentleman from Iowa that this company is to-day charging entirely too much for its service; so much so in fact that its charges are little less than robbery. But we have attempted to regulate those charges. I do not know how we can further regulate them until the court acts upon that case; that is, I do not know how we could act further intelligently in regulating them until the Supreme Court acts upon that case. If the Supreme Court holds that regulation was valid, no further action of Congress would be needed. If they hold that regulation was invalid or unreasonable, then in the light of the decision of the court it will be the duty of the District Committee and this House to proceed to pass some bill that is just and valid, fixing the rates of that company. In this bill we reserve the right to change, alter, or amend. And while I believe, and so stated in the committee, that it would have been better to await the decision of the court, and while I have done what I could to delay action on this bill for some time, because I believed that it was better for us to regulate the rate at the same time that they were asking for an extension of their lines under the authority of Congress, yet I do not believe that we would be acting justly toward the people of the District of Columbia in refusing to give any further right for the extension of lines and letting the matter go over for some six or seven months until Congress should meet again.

Mr. BARTLETT. This company, as the gentleman from Missouri says, has absolutely refused to carry out the requirements that Congress placed upon it in the act that we passed as an amendment to the appropriation bill. Now, why should these gentlemen come here and ask additional privileges from Congress until they either comply with the law or until the law is held to be invalid? This is a privilege which they are asking.

Mr. COWHERD. Undoubtedly.

Mr. BARTLETT. Why should we grant any additional privilege to the company under the circumstances?

Mr. COWHERD. I would not grant it by reason of anything that the company asks or does. The company has no equities whatever worthy of consideration; but the people of the District of Columbia have. There are some 700 applications now pending. I understand, where the people are asking for additional telephone service. Several of them have come to me and to other members of the committee and asked us to withdraw our opposition to this bill in order that they might get telephones in their houses.

Mr. BARTLETT. At the exorbitant rates now asked?

Mr. COWHERD. At the exorbitant rates now being charged. Still the people are demanding the service, notwithstanding the charges for it are too high. It seems to me it is our duty to permit them to put these telephones in. It is our duty to proceed to regulate those rates. If the Supreme Court of the United States upholds the present law, we have regulated them, and no further legislation will be necessary. If it holds the present law bad, then we should pass another.

Mr. SHAFROTH. What are the rates now imposed in the District?

Mr. COWHERD. I can not give them exactly. We have had that up a time or two. There is no law fixing the rates, and the company fixes them at what it pleases.

Mr. SHAFROTH. Do you know how much the rates are at present?

Mr. COWHERD. About a hundred dollars a year, I think, for a metallic circuit in a business house.

Mr. SHAFROTH. How long since the rate was fixed at \$50 by Congress?

Mr. COWHERD. I think it was in 1898.

Mr. SHAFROTH. An appeal has been taken to the Supreme Court of the United States.

Mr. COWHERD. The case has been argued and submitted in the Supreme Court of the United States something more than two months ago.

Mr. SHAFROTH. Does that go upon the regular calendar, to be reached in its regular order, or is it preferred by reason of it being District business?

Mr. COWHERD. I know of no reason why it should be preferred.

Mr. McDERMOTT. It has been reached, and has been argued and submitted.

Mr. COWHERD. It has been reached and argued and submitted, and I inquired of the clerk of the court some two weeks ago when we might hope for a decision.

Mr. SHAFROTH. What did he say?

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I want about two minutes more.

Mr. GAINES of Tennessee. I ask unanimous consent that the time of the gentleman may be extended.

Mr. BABCOCK. I yield two minutes more to the gentleman.

Mr. SHAFROTH. What did the clerk reply?

Mr. COWHERD. The clerk said, when I inquired when this decision would be rendered, that he could give us no information whatever—that there might be a decision in a week or it might not be decided for months.

Mr. SHAFROTH. Another question.

Mr. COWHERD. Just one moment. I understand from the gentleman from Tennessee that it will be decided on Monday next.

Mr. GAINES of Tennessee. A press representative stated to me just a while ago, and he is very reliable, that a decision was looked for next Monday.

Mr. SHAFROTH. Can the gentleman state whether if these rates shall be held by the court to be legal will the people get back the money that they have been compelled to pay the telephone company?

Mr. COWHERD. I am unable to answer that question. That is a question of law, and I would rather rely upon the opinion of the gentleman from Colorado.

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. COWHERD. I yield first to the gentleman from Minnesota.

Mr. TAWNEY. The gentleman has stated that there were 700 applications for telephones which could not be considered because of the want of this legislation. How many of these applications are dependent upon the conduit system which is authorized in this bill?

Mr. COWHERD. I can not answer that question. I only know that several gentlemen have come to me—one of them Senator Blackburn—and stated that they could not get telephones, because the Commissioners had no authority to permit the company to extend their wires and stretch them across any street or alley except by special act of Congress.

Mr. TAWNEY. That is the fact I wanted to bring out. Now, this authorizes the Commissioners in their discretion to grant the extension of existing lines or ducts necessary to give connection with the residences of the applicants for these phones. Is that what is necessary to get the service to the 700 people for which they apply? It is not necessary to extend the conduit system in order to accomplish that, but to stop taking down the poles and wires that are now standing and which are required to be taken down by direction of the Commissioners.

Mr. COWHERD. I want to say, in reply to that, that so far as the telephone company is concerned, it has no franchise in the city of Washington, but they have come in from time to time and got authority to lay a duct or extend their poles here and there; and I want to say that I think they ought to have authority to build this duct system and authority to extend it from time to time, but when the act is passed giving them that authority there ought to be a reservation of the right to regulate the rates. If Congress passes an act regulating the rates charged, I am not in favor of a competing company. I have never been in favor of that except in order to regulate the rates.

Mr. WADSWORTH. Is there anything in the bill which will prevent Congress from regulating the rates?

Mr. COWHERD. This bill especially reserves the right to alter or amend or repeal.

The SPEAKER. The time of the gentleman has again expired.

Mr. COWHERD. I just wish to have time for this question.

Mr. BABCOCK. I yield to the gentleman to answer this question.

Mr. GAINES of Tennessee. I understood that this proposition has been deferred until the Supreme Court could render its decision in this matter.

Mr. COWHERD. I stated that I opposed action in committee until a decision should be rendered by the Supreme Court. It has been held up since the committee voted to report it for about two months, waiting and expecting I suppose—I know that that was what I had in mind—that there would be a decision made. And now, unless some decision is made at this time, the chances are that no action will be taken at this session which will give these people an opportunity to be furnished with the service which they desire to have. For this reason I have decided to vote for the bill.

Mr. BABCOCK. It will be impossible to pass a bill before Congress adjourns.

Mr. GAINES of Tennessee. Congress is not going to adjourn, Mr. Speaker, before the middle of July, and the case will be decided before then. I am informed that it will be decided next Monday.

Mr. SWANSON. Will the gentleman permit me to ask him a question? If I understand, if this bill does not pass it will

preclude affording any additional telephone service until we do pass a bill.

Mr. BABCOCK. That is it exactly. No additional service can be given where ducts are required or wires are required. The Commissioners have issued all the permits they can under existing law.

Mr. SWANSON. If Congress adjourns without passing this bill, the chairman of the committee gives it as his understanding that during the summer, and until Congress reconvenes, these people will not get this additional service that they require?

Mr. BABCOCK. They will get none at all.

Mr. TAWNEY. The gentleman has stated that unless this bill passes 700 applicants for telephones will be deprived of that service until Congress convenes.

Mr. BABCOCK. Until the company has the right or authority given them to make connections.

Mr. TAWNEY. Well, now, the passage of this bill is not essential, is it, to give these people that telephone service that they want?

Mr. BABCOCK. Well, there is no authority to reach them by wire.

Mr. TAWNEY. Can not we authorize the Commissioners, by resolution or bill, to give to the telephone company authority to so extend its overhead wires to make the necessary residence connections, and extend the conduits that are at present laid.

Mr. BABCOCK. Congress has acted time and again against any extension of overhead wires. And I want to say to the gentleman that no resolution could pass Congress authorizing an extension of overhead wires in the city of Washington.

Mr. TAWNEY. There is an existing law; why can not they put on the additional wires on the poles that are now up?

Mr. BABCOCK. It is not a question of existing law; it is a question of whether they can be reached from the present poles and from the conduits that they have.

Mr. SWANSON. Does this bill specifically reserve the right in the future for Congress to fix the rates?

Mr. BABCOCK. The bill specifically reserves the right to alter, amend, or repeal.

Mr. SWANSON. As I understand, Congress has already fixed the rate?

Mr. BABCOCK. Yes.

Mr. SWANSON. And the question of rates and the fixing of rates is still pending in the United States courts?

Mr. BABCOCK. Yes.

Mr. SWANSON. If they decide that the rates are constitutional and legal, these new privileges given under this bill will be subject to the rates previously fixed?

Mr. BABCOCK. Yes.

Mr. SWANSON. If it is decided legal, this bill reserves the right to fix the rates in the future so they can not be exorbitant?

Mr. BABCOCK. It does.

Mr. SWANSON. Then what is the contention about here?

Mr. BABCOCK. I must say that I hardly understand it myself. [Laughter.] Now, Mr. Speaker, I ask for a vote on the amendments.

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Wisconsin.

Mr. BABCOCK. They take in the thickly settled part of Columbia Heights.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have the amendments reported again.

The Clerk again reported the amendments.

The amendments were agreed to.

Mr. BABCOCK. Now, I yield to the gentleman from Tennessee [Mr. Sims] ten minutes.

Mr. SIMS. Mr. Speaker, if I was to make a statement here about the progress of the bill it would be a repetition of what the gentleman from Missouri [Mr. Cowherd] has stated. I have asked all along on every occasion that action be deferred until the Supreme Court rendered its decision. The court now has the case under advisement, having heard it, and we do not know of course what moment they may decide it or how long they will hold it up. I was anxious to-day to further delay the action on the bill in order that we might get the benefit of the decision of the Supreme Court; but the argument is made to me that if there is any further delay action will not be taken on the bill at all at this session, and therefore no additional telephones can be put up. I thought, and think yet, that the bill may be rendered unobjectionable by making an amendment, and here is the amendment which I will propose at the proper time. I want to say, further, that I would be glad if any gentleman that is acquainted with the matter more than I am will perfect it, because I am not sufficiently acquainted with telephone matters to undertake to perfect the bill. I believe this amendment which I will offer as a separate section would make the bill unobjectionable in every way. This is the amendment I propose:

Any telephone company operating under the provisions of this law shall charge not exceeding \$50 a year for telephones.

If the present law is sustained there will be no use for this amendment; if it should go down, this amendment will be needed. This amendment, it seems to me, can not be objectionable.

Mr. HEPBURN. I would like to ask the gentleman how this amendment changes the law that is now in force?

Mr. SIMS. It does not change it.

Mr. HEPBURN. I thought we provided for two classes of service, for a business house and for private houses.

Mr. SIMS. I have no objection to this amendment being perfected, as I am not familiar with these matters. This puts the rate at \$50, which I understand to be the maximum rate under existing law.

Mr. HULL. That is the law now, as I understand the gentleman's statement.

Mr. SIMS. Yes.

Mr. HULL. And that question is now before the court?

Mr. SIMS. Yes.

Mr. HULL. Wherein does it benefit the people to put it in the statute again? If Congress holds it is a legal rate under existing law, it already applies. If the court holds it is confiscation, would not they hold the same thing in this case?

Mr. SIMS. The point is this: I am intending to make the granting of privileges under this bill conditional upon the idea that they shall not exceed \$50, making it in the nature of a contract, so that they must comply with it.

Mr. TAWNEY. The gentleman's intention is to make this in the nature of a contract?

Mr. SIMS. Yes; in the nature of a contract.

Mr. TAWNEY. And it would be perpetual?

Mr. SIMS. Yes.

Mr. TAWNEY. So they could charge that rate for all time? No matter what improvements were made in the service, they would continue to charge for residence-phones as well as for business phones \$50 a year?

Mr. SIMS. Not exceeding \$50.

Mr. TAWNEY. Not exceeding \$50. Does not the gentleman think he ought to classify the service or the charges, so as to make the charge for the resident phones not to exceed thirty-six and the business phone not to exceed fifty dollars?

Mr. SIMS. That might be very proper. As I have stated, I am not sufficiently familiar with this business to perfect the amendment, but I do want substantially this amendment to go upon the bill, because it makes this measure in the nature of a contract, so that whether the law now existing is sustained or not by the courts this act will remain valid. If the gentleman from Minnesota [Mr. Tawney] can offer an amendment to my amendment so as to better accomplish the object I have in view, I certainly have no objection.

Mr. SWANSON. If I understand the gentleman from Tennessee correctly, this amendment will simply apply to new extensions of the telephone service.

Mr. SIMS. New extensions granted under this bill.

Mr. SWANSON. Then this is a new extension?

Mr. SIMS. Certainly.

Mr. SWANSON. And if anybody is willing to pay more than \$50 for additional service, and the company refuses to furnish it, such a person can not get a phone until Congress sees proper to adopt new legislation on the subject. Suppose a man is willing to pay more than \$50 for a phone, and the company is not willing to grant him the service, then he can not have this new extension under the present bill.

Mr. SIMS. My intention is that there shall be no charge exceeding \$50 for the extended service which may be granted under this bill.

Mr. SWANSON. Then there may be two or three different rates for similar service.

Mr. SIMS. I am undertaking to deal with this bill now before us—not with reference to making a classification of the service heretofore established.

Mr. GAINES of Tennessee. My colleague [Mr. Sims] says, if I understand him, that this amendment is to apply only to new routes. Now, if \$50 should in the future prove to be too high a charge—

Mr. SIMS. Then it can be lowered.

Mr. GAINES of Tennessee. If the company should want a further extension of its privileges, we can say "You must grant a reduction upon the \$50 rate or we will not grant you the privileges you ask."

Mr. SIMS. Certainly. There can be no law, of course, to keep the company from reducing its rates, but this will simply fix a maximum. I have nothing more to say on the amendment. I will send it up to the desk as soon as it is written out.

The SPEAKER (after a pause). The Clerk will read the amendment for the information of the House.

The Clerk read as follows:

Add to the bill a new section, to be section 8, to read as follows:
"Any telephone company operating under the provisions of this bill shall charge not to exceed \$50 per year for telephones."

Mr. BABCOCK. I make a point of order against the amendment.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Tennessee [Mr. SIMS] for the purpose of offering the amendment?

Mr. BABCOCK. I yielded to the gentleman ten minutes, without stating any specific purpose.

The SPEAKER. The gentleman from Tennessee has no right to offer any amendment unless the gentleman from Wisconsin yielded to him for that purpose.

Mr. BABCOCK. I did not yield for that purpose.

Mr. GAINES of Tennessee. There was no objection made.

The SPEAKER. The gentleman from Tennessee has not offered the amendment; it has been read now for the information of the House. Does the gentleman from Wisconsin yield to the gentleman from Tennessee for the purpose of offering the amendment now?

Mr. BABCOCK. Yes; but I will make a point of order upon the amendment. There is no provision whatever in this bill in reference to rates; there is no provision granting any rights to any telephone company. The bill simply grants authority to the Commissioners to do certain things that only Congress is authorized at the present time to do. The amendment is not germane at all to the bill.

Mr. SIMS. I have offered the amendment, the gentleman from Wisconsin yielding to me for that purpose.

The SPEAKER. The Chair will hear the gentleman from Tennessee on the point of order. The point of order is made that the amendment is not germane.

Mr. SIMS. Does the gentleman from Wisconsin hold that this amendment is not germane to the purposes of the bill? Well, Mr. Speaker, I do not suppose it is necessary to make an argument on that matter. If we are granting to this company the privilege of laying wires through streets and alleys, we certainly may couple with that privilege conditions under which it may be done.

Mr. BABCOCK. We are not granting privileges to any company. We are authorizing the Commissioners, a separate branch of the Government, to do this thing.

Mr. MUDD. Mr. Speaker, I want to be heard on the point of order.

The SPEAKER. The gentleman will proceed.

Mr. MUDD. Mr. Speaker, I am frank to say that I am in favor of this amendment. In the committee I reserved—

The SPEAKER. That is not an argument on the point of order.

Mr. MUDD. Mr. Speaker, I am going to argue on the point of order. This is not an appropriation bill upon which legislation can not be attached. This is a bill giving privileges in the way of extensions to the telephone company, and I can not imagine under what theory of the rules it can be argued that we can not annex conditions as to the exercise of the rights which we vote here to grant. I do not think the point is susceptible of argument as against the amendment. There is nothing in the rule that applies to it. It is simply annexing conditions to the grant and user of the rights which we undertake to give, or, rather, it is stronger than that. We are undertaking here not to give an absolute right but a conditional one, and Congress, it seems to me beyond question, can always do that.

Mr. BARTLETT. Mr. Speaker, I desire simply on this point of order to call the attention of the House to a decision made by the Chair at the last Congress, to be found on page 1262 of the RECORD. A bill which was then being considered on Monday, the day on which bills relating to the District of Columbia were under consideration, and it had for its purpose the authorizing of the laying of mains in the streets by the gas company. An amendment was offered to that bill fixing the price of gas to be charged by the company, which was then seeking to obtain the right and privilege to lay its mains in the streets and to extend its mains in the streets, and on a point of order it was held the amendment was germane to the bill. It was so held in the second session of the Fifty-sixth Congress, and the decision will be found on page 1262 of the RECORD and on page 319 of the Manual. I think that is exactly in point, from my recollection of the case. The authority reads that the bill referred generally to affairs of the gas company, and the amendment introducing the subject of the price of gas was held to be germane. Now, this is a bill in which they ask Congress to permit them to extend their wires along the streets.

The SPEAKER. The Chair would ask the gentleman to give the citation to which he refers. Page 319 does not give the case. What is the RECORD page?

Mr. BARTLETT. It is in the second session of the Fifty-sixth

Congress, RECORD page 1262. I will hand up to the Chair the Manual from which I am reading.

Mr. BABCOCK. Mr. Speaker, I want to say to the gentleman that the bill he refers to was an entirely different proposition. It authorized an increase of capitalization; it granted certain and specific rights in the streets of the District. This bill does nothing of the kind. It has nothing to do with the capital or with any specific rights, but simply grants authority to a coordinate branch of the Government to do a specific thing. It gives the Commissioners authority to do certain things, which authority is not now possessed by them.

Mr. BARTLETT. In reply to that suggestion of the gentleman from Wisconsin, it occurs to me that there is a similarity, and that the case is on all fours with the case referred to. In that case the gas company came to Congress asking it to permit it to do certain things in the District of Columbia, either to increase its capital stock or to extend its mains, dig up the street and extend them along the streets, which it had not then the authority to do. The present bill proposes to give this telephone company authority and rights which it did not possess, authority to extend its lines and mains along the streets—

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. BARTLETT. Certainly.

Mr. BABCOCK. This statement is misleading. This bill does not do anything of the kind. It authorizes the Commissioners to do certain things, but it does not confer upon the telephone company any rights. They can not do a single act by the passage of this bill except by applying to the Commissioners and getting permission from them.

The SPEAKER. The Chair is ready to rule on this question. The Chair finds the authority cited by the gentleman and remembers the case very well. The title of that bill was a bill referring generally to the affairs of a gas company, and an amendment introducing the subject of the price of gas was held to be germane. On January 21, 1901, the House was considering a bill (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes. Mr. William W. Grout, of Vermont, moved to recommit the bill to the Committee on the District of Columbia with instructions to report the bill back with this amendment:

Provided further, That on and after July 1, 1902, the Washington Gaslight Company shall furnish gas to the people of the District of Columbia for 90 cents per 1,000 cubic feet; on and after July 1, 1903, for 80 cents per 1,000 cubic feet; and on and after July 1, 1904, for 75 cents per 1,000 cubic feet.

Mr. JOSEPH W. BABCOCK, of Wisconsin, made the point of order that the bill did not deal with the price of gas, and that therefore the amendment proposed would not be germane.

The Speaker said:

The Chair has not read the bill through, and the confusion of this morning made it almost impossible to hear it. Still the Chair sees that this is for the purpose of giving a franchise to this company, and here is a proviso:

"That the Commissioners of the District of Columbia may require said company to lay such mains or conduits in any graded street, highway, avenue, or alley in the District of Columbia not already provided therewith, as may be necessary."

It seems to be a general bill regulating the gas business and this gas company, and the Chair is of opinion that the point of order is not well taken and that the instructions of the gentleman from Vermont are in order.

Now, here was a general bill going into the question of the regulation of the gas company. As is stated in the decision, it treated of a franchise; but there is nothing of that character in the present bill. It does not grant any corporate rights. It does not establish a company or clothe it with power. It does not treat of stocks, bonds, or any of the elements connected with the organizing of a corporation, but treats of a corporation in existence and franchises and powers that the corporation already possesses. How? By authorizing the Commissioners of the District of Columbia to regulate this matter. It does not go into the question of prices or rates in any shape or form, nor does it invite anything of that kind. When you come to treat of incorporating a company, these are limitations that should be put on and enforced, but not on a bill of this kind, which treats wholly of the question of conduits.

The Chair thinks that the point of order is clearly well taken.

Mr. BABCOCK. Mr. Speaker—

Mr. HEPBURN. Mr. Speaker, I ask the gentleman to yield to me for the purpose of offering an amendment.

Mr. BABCOCK. Mr. Speaker, I believe that the bill has been pretty thoroughly discussed, and I rose for the purpose of asking the previous question.

The SPEAKER. The gentleman has that right, but he has no right to control the floor and prevent the offering of amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I did not understand the Speaker.

The SPEAKER. The gentleman has the right to demand the previous question, but he can not control the floor to prevent amendments, after having yielded to the gentleman from Tennessee to offer an amendment.

Mr. BABCOCK. I will withhold the demand for the previous question.

The SPEAKER. The gentleman does not demand the previous question?

Mr. BABCOCK. Not now.

Mr. HEPBURN. I move to amend the bill by adding at the end of section 6—

The SPEAKER. The gentleman from Iowa is recognized.

Mr. HEPBURN (reading):

Provided, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law.

Mr. BABCOCK. I make the same point of order against that amendment.

Mr. HEPBURN. Mr. Speaker, I drew that amendment—

The SPEAKER. The amendment has not been reported by the Clerk.

The Clerk read as follows:

Add at the end of section 6 the following:

Provided, That the privileges herein authorized to be extended to persons or corporations shall be exercised on condition only that service shall be furnished on the terms and at the prices now authorized by law."

Mr. BABCOCK. Mr. Speaker, I make the point of order, the same as to the other amendment, that the bill does not deal with rights or franchises, and that the amendment is not germane to the bill.

The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill originally bore this title:

To provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes.

The amended title, however, reads:

A bill regulating the use of telephone wires in the District of Columbia.

Now, the bill gives to the Commissioners certain powers. It gives them the right to authorize this corporation to extend its conduits, and to establish poles in the alleys in the city and on the highways in the District, to renew those poles, to use them in house connection and otherwise. Now, here is simply another limitation upon the power of the Commissioners that they shall not give that privilege to any corporation except a corporation that furnishes service in accordance with the provisions of existing law. It is only an additional limitation upon the exercise of power on the part of the Commissioners.

The SPEAKER. The amendment offered by the gentleman from Iowa is substantially the same as the one that has just been ruled upon, although framed in a different way. The Commissioners can not be treated from any standpoint except that which is tendered by the bill under consideration. The gentleman from Iowa can offer amendments affecting these conduits, the depth that they may be placed in the ground, the size of them, or anything bearing upon the propositions in the bill; but when he attempts to instruct the Commissioners and to bind them on a matter that is purely reached by the incorporating acts themselves, he steps entirely outside of the province of the bill, and offers a proposition that is not germane thereto.

Mr. HEPBURN. I thought, Mr. Speaker, it would be entirely legitimate to state by law the number of wires that may be used in a cable, the number of compartments that may be in a conduit; and if that is so, then can not we go a step further and say how and under what terms one of these 10, 15, or 20 wires in a cable may be used.

The SPEAKER. The distinction is a very sharp one. It is a pure conduit-planting bill, and anything bearing upon that question is legitimate and germane; but when you go back to the constituting instrument and the questions therein this bill does not permit it. If that should be permitted, then you could in this bill take up the question of capital stock. The Chair is very clearly of the opinion that this amendment is not germane.

Mr. HEPBURN. That would be a matter of organization; this is a matter of the use of a franchise after granted.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 26.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 56, answered "present" 20, not voting 166; as follows:

YEAS—109.

Adams,	Dalzell,	Knapp,	Payne,
Alexander,	Draper,	Lacey,	Powers, Me.
Allen, Me.	Eddy,	Landis,	Powers, Mass.
Babcock,	Emerson,	Latimer,	Rhea, Va.
Ball, Del.	Esch,	Lessler,	Richardson, Tenn.
Bates,	Fletcher,	Lewis, Pa.	Ruppert,
Blackburn,	Flood,	Lloyd,	Ryan,
Blakeney,	Fowler,	Loud,	Shattuc,
Bowersock,	Gibson,	Loudenslager,	Sherman,
Bowie,	Goldfogle,	McCleary,	Sibley,
Bromwell,	Graff,	McDermott,	Smith, Ill.
Brownlow,	Greene, Mass.	McLachlan,	Southwick,
Burk, Pa.	Grow,	Mahon,	Sperry,
Burke, S. Dak.	Hamilton,	Mann,	Stewart, N. Y.
Butler, Pa.	Hay,	Metcalf,	Storm,
Cannon,	Hitt,	Mondell,	Sulloway,
Capron,	Holliday,	Moody, N. C.	Sulzer,
Cassel,	Howell,	Moody, Oreg.	Swanson,
Clark,	Hughes,	Morgan,	Tirrell,
Connell,	Hull,	Morris,	Tompkins, Ohio
Coombs,	Irwin,	Moss,	Wachter,
Cooney,	Jack,	Mudd,	Wadsworth,
Cooper, Wis.	Jenkins,	Mutchler,	Warner,
Cousins,	Jett,	Needham,	Watson,
Cowherd,	Jones, Wash.	Otjen,	Woods.
Creamer,	Joy,	Overstreet,	
Cromer,	Ketcham,	Palmer,	
Cushman,	Kleberg,	Patterson, Pa.	

NAYS—56.

Adamson,	Driscoll,	McLain,	Sims,
Allen, Ky.	Foster, Ill.	Maddox,	Small,
Ball, Tex.	Gaines, Tenn.	Neville,	Smith, Ky.
Bartlett,	Gilbert,	Perkins,	Snodgrass,
Bell,	Henry, Miss.	Randell, Tex.	Snook,
Bishop,	Heppburn,	Ransdell, La.	Sparkman,
Brundidge,	Hill,	Ray, N. Y.	Spight,
Burleson,	Hopkins,	Robinson, Ind.	Tawney,
Candler,	Howard,	Rucker,	Underwood,
Cochran,	Kehoe,	Rumple,	Vandiver,
Conner,	Kitchin, Claude	Scarborough,	Williams, Ill.
Davis, Fla.	Lanham,	Selby,	Williams, Miss.
De Armond,	Lever,	Shackleford,	Wooten,
Dinsmore,	Little,	Shafroth,	Zenor.

ANSWERED "PRESENT"—20.

Boring,	Griffith,	Meyer, La.	Richardson, Ala.
Boutell,	Henry, Conn.	Miers, Ind.	Shallenberger,
Cassingham,	Johnson,	Napen,	Stephens, Tex.
Cooper, Tex.	McClellan,	Padgett,	Thomas, Iowa
Evans,	McRae,	Reid,	Trimble.

NOT VOTING—166.

Acheson,	Dovener,	Knox,	Robertson, La.
Aplin,	Edwards,	Kyle,	Robinson, Nebr.
Bankhead,	Elliott,	Lamb,	Russell,
Barney,	Feely,	Lassiter,	Schirm,
Bartholdt,	Finley,	Lawrence,	Scott,
Beidler,	Fitzgerald,	Lester,	Shelden,
Bellamy,	Fleming,	Lewis, Ga.	Sheppard,
Belmont,	Foerderer,	Lindsay,	Showalter,
Benton,	Fordney,	Littauer,	Skiles,
Bingham,	Foss,	Littlefield,	Slayden,
Brantley,	Foster, Vt.	Livingston,	Smith, Iowa
Breazeale,	Fox,	Long,	Smith, H. C.
Brick,	Gaines, W. Va.	Lovering,	Smith, S. W.
Bristow,	Gardner, Mich.	McAndrews,	Smith, Wm. Alden
Broussard,	Gardner, N. J.	McCall,	Southard,
Brown,	Gill,	McCulloch,	Stark,
Bull,	Gillet, N. Y.	Mahoney,	Steele,
Burgess,	Gillet, Mass.	Marshall,	Stevens, Minn.
Burkett,	Glenn,	Martin,	Stewart, N. J.
Burleigh,	Gooch,	Maynard,	Sutherland,
Burnett,	Gordon,	Mercer,	Talbert,
Burton,	Graham,	Mickey,	Tate,
Butler, Mo.	Green, Pa.	Miller,	Taylor, Ohio
Calderhead,	Griggs,	Minor,	Taylor, Ala.
Caldwell,	Grosvenor,	Moon,	Thayer,
Clayton,	Hall,	Morrell,	Thomas, N. C.
Conry,	Hanbury,	Nevin,	Thompson,
Corliss,	Haskins,	Newlands,	Tompkins, N. Y.
Crowley,	Haugen,	Norton,	Tongue,
Crumpacker,	Heatwole,	Olmsted,	Van Voorhis,
Currier,	Hedge,	Parker,	Vreeland,
Curtis,	Hemenway,	Patterson, Tenn.	Wanger,
Dahle,	Henry, Tex.	Pearre,	Warnock,
Darragh,	Hildebrandt,	Pierce,	Weeks,
Davey, La.	Hooker,	Pou,	Wheeler,
Davidson,	Jackson, Kans.	Prince,	White,
Dayton,	Jackson, Md.	Pugsley,	Wiley,
De Graffenreid,	Jones, Va.	Reeder,	Wilson,
Deemer,	Kahn,	Reeves,	Wright,
Dick,	Kern,	Rixey,	Young.
Dougherty,	Kitchin, Wm. W.	Robb,	
Douglas,	Kluttz,	Roberts,	

So the bill was passed.

Mr. LITTLE. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. LITTLE. I desire to vote. I have been in my seat.

The SPEAKER. Was the gentleman present in the Hall of the House?

Mr. LITTLE. In my seat.

The SPEAKER. Listening when his name was called and failed to hear it?

Mr. LITTLE. Yes, sir.

The SPEAKER. Call the name of the gentleman from Arkansas.

The name of Mr. LITTLE was called, and he voted "nay."

The following additional pairs were announced:

Until further notice:

Mr. DAYTON with Mr. DAVEY.

Mr. FOSS with Mr. MEYER of Louisiana.

Mr. MERCER with Mr. STARK.

For this day:

Mr. BRISTOW with Mr. PUGSLEY.

Mr. BOUTELL with Mr. GRIGGS.

Mr. DOVENER with Mr. EDWARDS.

Mr. GARDNER of Michigan with Mr. FINLEY.

Mr. MARSHALL with Mr. KERN for balance of day.

On this vote:

Mr. DICK with Mr. RIXEY.

Mr. DEEMER with Mr. BURNETT.

Mr. GROSVENOR with Mr. CLAYTON.

Mr. CALDERHEAD with Mr. WHEELER.

Mr. CORLISS with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. BRANTLEY.

The result of the vote was then announced as above recorded.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

OCCUPATION OF STREETS IN THE DISTRICT OF COLUMBIA BY CERTAIN RAILROADS DURING ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of Senate resolution 87, to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The Clerk read as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the encampment of the Grand Army of the Republic in October, 1902: *Provided,* That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners.

The resolution was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask to take up House bill 12805, requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Anacostia and Potomac River Railroad Company, of the District of Columbia, be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, such as is now in use on its Eleventh street line, over and along the following route, namely: Beginning at the northern terminus of its Eleventh street line at Eleventh street and Florida avenue north, by double track, along Eleventh street to Lydecker avenue; thence easterly, by single track, along Lydecker avenue to Morgan street; thence northerly along Morgan street to Lamar place; thence west along Lamar place to Eslin street; thence south along Eslin street to Lydecker avenue, connecting at that point with the tracks herein authorized.

SEC. 2. That the extension herein authorized shall be completed and the cars operated thereon within two years from the date of the issuance of a permit by the Commissioners of the District of Columbia.

SEC. 3. That the extension herein provided for shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

SEC. 4. That the said Anacostia and Potomac River Railroad Company shall have over and respecting the route herein provided for the same rights, powers, and privileges it has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and of law.

The Clerk read the following amendments, recommended by the committee:

In line 14, page 1, strike out the words "Lamar place" where they occur and substitute therefor the following: "Spring street."

Add as a new section to the bill, to be designated "Section 5," the following:

"SEC. 5. Congress reserves the right to amend, alter, or repeal this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) making

appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 282. An act providing for the appointment of James W. Long, late a captain, United States Army, a captain of infantry, and for placing his name on the retired list.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. McMILLAN, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4264) providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians.

PREVENTION OF SMOKE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, be, and the same is hereby, amended to read as follows: "That on and after the passage of this act the emission of dense or thick black or gray smoke or cinders for a continuous period of three minutes from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed and is hereby declared to be a public nuisance: *Provided,* That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

CHURCHES IN DISTRICT OF COLUMBIA OUTSIDE OF FIRE LIMITS.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to regulate the height of buildings in the District of Columbia," approved March 1, 1899, be amended by adding thereto the following: "*Provided,* That this requirement shall not apply to churches erected outside of the fire limits as now or hereafter established within the District of Columbia."

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

DOGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill (S. 4792) relative to the control of dogs in the District of Columbia. The House committee reported a substitute for the Senate bill, and I ask that the substitute be read instead of the Senate bill.

The SPEAKER. Without objection, the amendment by way of substitute will be read.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That sections 3, 4, and 9 of the act of Congress approved June 19, 1878, entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," be, and the same are hereby, amended so as to read as follows:

"SEC. 3. That the pound master of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax tag issued by the collector aforesaid attached, and all female dogs in heat found running at large, and shall impound the same; and if within forty-eight hours the same are not redeemed by the owners thereof by the payment of \$2 they shall be sold or destroyed, as the pound master may deem advisable, and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all courts of the District of Columbia.

"SEC. 4. That any dog wearing the tax tag hereinbefore provided for, except female dogs in heat, shall be permitted to run at large within the District of Columbia, and any dog wearing the tax tag hereinbefore provided for shall be regarded as personal property in all the courts of said District, and any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing, may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modifications as the particular circumstances of the case may make proper.

"SEC. 9. That if any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the District of Columbia, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants, he shall, upon conviction thereof, be punished by a fine not exceeding \$20; and if such animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be punished by a fine not exceeding \$50, and in addition to such punishment the court shall adjudge and order that such animal be

forthwith delivered to the pound master, and said pound master is hereby authorized and directed to kill such animal so delivered to him.

"If any owner or possessor of a female dog shall permit her to go at large in the District of Columbia while in heat he shall, upon conviction thereof, be punished by a fine not exceeding \$20."

The SPEAKER. The question is on agreeing to the amendment by way of substitute.

The amendment was agreed to.

The bill was ordered to be read a third time; and it was read the third time, and passed.

REFUNDING OF CERTAIN LICENSE TAXES BY THE COMMISSIONERS OF THE DISTRICT.

Mr. BABCOCK. Mr. Speaker, I ask to take up the bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to refund to wholesale and retail liquor dealers who were engaged in business in said District on March 3, 1893, moneys erroneously collected as license taxes for the license year ending October 31, 1893.

SEC. 2. That for the purpose of carrying into effect the provisions of the preceding section the Commissioners of the District of Columbia are hereby authorized to adjust the amounts found to be equitably due by the accounting officers of the District, and pay the same out of the fund provided for the erroneous payment of taxes.

The bill was ordered to be read a third time; was read the third time, and passed.

AMENDMENTS TO DISTRICT CODE.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia." I ask that the substitute reported by the House committee may be read in lieu of the Senate bill.

The SPEAKER. The gentleman from Wisconsin asks that the substitute reported by the Committee on the District of Columbia of the House be read instead of the Senate bill. Without objection, this course will be proceeded with.

Mr. CANNON. Mr. Speaker, what does this bill call for?

The SPEAKER. This is the District code bill.

Mr. CANNON. I think that bill is subject to consideration in Committee of the Whole House. It increases the salaries in some instances. I do not care anything about making the point provided it can be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. JENKINS. We have no objection to that, Mr. Speaker, but I want to say to the gentleman from Illinois, to avoid any misapprehension, that there is no increase of salary in the bill.

Mr. CANNON. There is on the face of the bill. For instance, it increases the salary of some insurance officer from \$2,500 to \$3,500.

Mr. JENKINS. The gentleman is mistaken about that.

Mr. CANNON. Well, I merely read the part in italics.

The SPEAKER. Does the gentleman from Wisconsin [Mr. JENKINS] admit the point made by the gentleman from Illinois?

Mr. CANNON. I think we can adjust this question. I think this matter ought to be considered in the way I have suggested.

Mr. JENKINS. Very well; I ask that the bill be considered in the House as in Committee of the Whole.

There was no objection.

Mr. JENKINS. Now, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection; and it was ordered accordingly.

The Clerk, proceeding to read the bill by paragraphs, read the following:

Amend section 3 by adding at the end of said section the words: "No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

Mr. CANNON. Mr. Speaker, I suppose that section 3 is subject to amendment. I do not see why it should not be, under the rules. Section 3, which was embraced in this code as passed, starts out—

There shall be ten justices of the peace in the District.

Now, this part of the bill proposes to amend section 3 by declaring that these officers shall not practice law. I think there ought not to be more than four justices of the peace in this District.

Mr. CLARK. How can four transact the business?

Mr. CANNON. Well, the whole ten have not much business. These are salaried officers, at the rate of \$3,000 per annum, and they earn in fees only a small part of their salaries.

I am not very particular about the number. It may be that there ought to be five of these officers. I have no objection to that number. But I would like to have it settled whether the section is subject to amendment. It is proposed in the bill to amend section 3 in one particular. Now, why is it not subject to amendment in another? It seems to me that it ought to be.

Mr. CLARK. Why not put the justices of the peace on a fee basis and then allow them to practice law for all it is worth?

Mr. CANNON. Formerly the justices of the peace in this District were on a fee basis, but the new code puts them on a salary basis, with salaries of \$3,000 each, and gives them an allowance of, I think, two or three hundred dollars for ordinary expenses.

A MEMBER. Two hundred and fifty dollars.

Mr. CANNON. Yes; they are quite lordly gentlemen.

Mr. CLARK. I am not in favor of having more than four of them, if they are salaried officers.

Mr. CANNON. I do not wish to speak disrespectfully of them. In a few minutes I can get a statement of the amount of fees that they earn. The amount is a very small part of what it costs to pay them their salaries.

Mr. CLARK. If these officers are going to receive salaries at all, ought not the salaries to be on the basis of the fees? That is the way it is everywhere else.

Mr. CANNON. It would seem so; yet a different arrangement was adopted in this codification, which was made last year. I think it might be well that these should be feed officers, provided they turn in their fees in excess of \$3,000.

Mr. CLARK. I know of only one place where justices of the peace get salaries, and that is St. Louis. I was a member of the legislature that helped pass the law allowing them salaries, and they were allowed salaries amounting to about one-half what they had received in fees. The reason for fixing salaries was the contention that those officers were receiving too much as fees—that they were making more than the circuit judges.

Mr. CANNON. Well, I will move as an amendment to strike out, in line 1, section 3, the word "ten" and insert the word "four."

Mr. JENKINS. It seems to me the gentleman's motion ought to be to amend the amendment.

Mr. CANNON. I do not know how to offer my amendment otherwise than I am doing. The Clerk is now reading what you propose to do. You propose to substitute for the pending bill what is printed in italics. Now, I propose to amend your substitute. I ask the Clerk to put my amendment in shape.

Mr. MUDD. Allow me to say that this bill consists of certain specific amendments to the code, and we can not well amend anything which is not in the bill.

Mr. CANNON. This proposed substitute does that.

Mr. MUDD. It seems to me that the proper thing for the gentleman from Illinois to do would be to ascertain the section of the code which fixes the number of justices of the peace.

Mr. CANNON. I have done so; it is section 3.

Mr. MUDD. There is another thing which, perhaps, ought to be provided for if this amendment is to be adopted. I do not know just what shape it is in, but if I understand correctly, there is a provision in this code that each justice of the peace shall have a deputy marshal, this officer taking the place of the constable under the old law.

Now, if the gentleman thinks it is proper to reduce the number of justices of the peace, I submit to him that he better consider whether or not he wants each justice of the peace to have three or four deputy marshals or whether he wants to reduce the number of marshals.

Mr. CANNON. Well, we will reach that when we get to it.

Mr. MUDD. We must be consistent in our economy as we go along.

Mr. CANNON. That is right.

Mr. MUDD. Suppose we pass that for the present.

Mr. CANNON. Oh, no; there are a whole lot of them. I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

After the word "office," in line 17 of the bill, amend by striking out the word "ten," in line 1 of said section, and inserting the word "four."

Mr. CANNON. So that it will then read: "There shall be four justices of the peace in the District."

Mr. JENKINS. Now, Mr. Speaker, if the gentleman from Illinois will yield to me for a moment, just for the purpose of asking a question—

The SPEAKER. The gentleman from Wisconsin will suspend a moment. The Chair is at a loss to know just the mode of procedure that the gentleman from Illinois is seeking to pursue. We have before us the code of law for the District of Columbia, approved March 3, 1901. The Senate brought in a bill proposing certain amendments to that code. The House committee in this case has adopted section 3 by way of a substitute, the same section that the Senate has. It seems to the Chair that all we can do now is to consider these amendments and that they must be germane to the proposition in the bill, not to the code itself. The gentleman's amendment is aimed at the code.

Mr. CANNON. Yes.

The SPEAKER. And there is nothing in the amendments here that touches the code so far as the amendment of the gentleman is concerned. The amendment must be germane to the bill, not to the code, and the bill does not take up the subject of the

number of justices of the peace at all, neither the Senate amendment nor the amendment recommended by the committee. The Chair is of opinion that in considering this bill we have to consider the bill and not the code. Now, if the gentleman has any views on that subject, the Chair will be glad to hear him.

Mr. CANNON. I have not. I supposed the object of this bill was to amend the code. It might as well have read in this way, after reading section 3 of the code, adding what is contained in lines 15, 16, and 17. Then, undoubtedly, it seems to me it would have been subject to amendment, but that is certain which can be rendered certain. Now, the proposition is to amend section 3 by adding at the end of said section the following words:

No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office.

That is the proposition. This is to amend the code—a bill to amend the code. The first thing to amend is section 3. I say, very well. Now, this entire amendment to section 3, it seems to me, is germane. It is true that it is unhandy to get at.

Mr. HILL. It is to amend the code.

Mr. CANNON. Yes; the title is "To amend an act entitled 'An act to establish a code of law for the District of Columbia.'" It seems to me any amendment from section to section, as this is being considered under the five-minute rule, and paragraph to paragraph, is apt, that amends the act. Of course, you have got to refer to the act to do that, otherwise we would deal strictly within very narrow limits in revising this act, and that is what it is, amending the whole act. We run from one section to another, and this, as I understand it, is a House substitute for the Senate bill.

Mr. JENKINS. If the gentleman from Illinois will yield a moment, I want to call his attention to the fact that the section would then be very imperfect. Section 3 provides for the appointment of 10 justices of the peace.

Mr. CANNON. Yes.

Mr. JENKINS. It further provides that the Supreme Court shall divide the district into 10 subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office, etc. Now, it would still need further change.

Mr. CANNON. Undoubtedly.

Mr. JENKINS. I would suggest that the gentleman take time to prepare a substitute for the pending proposition here on page 63, providing that section 3 of the act is hereby amended so as to read as follows, etc., and then embrace his amendment. Then the whole matter will be in harmony.

Mr. CANNON. I think that is wise, because these words ought to be stricken out:

By and with the advice and consent of the Senate.

It is getting so now that you can not appoint somebody to attend an ash-hopper—

Mr. MAHON. Or a pound catcher.

Mr. CANNON. Or a pound catcher, but what under the law as it creeps in through the carelessness of the House he has got to be appointed by the President, by and with the advice and consent of the Senate. [Laughter.] I think a substitute ought to be prepared, and I will say to my friend, if he is willing, I think I can in five minutes prepare a substitute for section three.

Mr. JENKINS. I want to say to the gentleman and to the House that I feel it to be my duty to state, inasmuch as this matter has been brought up here, that when the code passed the House we were of opinion that five justices of the peace were all that were required; but the bill as finally passed provided for ten. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, has called the attention of the District Committee to this matter, and insists that according to his information ten justices of the peace are too many at a fixed salary of \$3,000 a year apiece. Now, I do not see how I can possibly make any objection to the proposed amendment of the gentleman from Illinois; but I want the legislation harmonious. I therefore ask unanimous consent that we pass this section without prejudice, to return to it when it is convenient for the gentleman from Illinois to present his amendment.

Mr. CLARK. Mr. Speaker, I should like to ask the gentleman a question or two. What sort of jurisdiction do these justices have, criminal and civil both, or simply civil jurisdiction?

Mr. JENKINS. Civil jurisdiction.

Mr. CLARK. Then four are enough.

The SPEAKER. If the Chair can have the attention of the gentleman from Illinois a moment, the Chair sees what the gentleman from Illinois is seeking to accomplish. There have been a number of decisions bearing upon this question, some by the Chair in the last Congress, and others before that. It seems to the Chair that the gentleman can reach the matter that he seeks to reach by an amendment to this bill in section 3, where the justices of the peace are treated of, by a proviso that there shall not be more than eight, or whatever number he wishes, so long

as the amendment is aimed at the pending bill. Of course, the House can revise the code if it wants to; but it has here simply the amendments of the Senate. Those amendments are the subject-matter now before the House.

Mr. JENKINS. Then, I will ask unanimous consent to pass over this section.

Mr. CANNON. I think I have it ready now.

Mr. JENKINS. Then I withdraw my request, as the gentleman says he has his amendment prepared.

Mr. CANNON. I will read it. I propose this amendment by way of a substitute:

SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require.

And then add the words that appear in this bill.

Mr. JENKINS. I should like to say to the gentleman from Illinois that I do not think his proposed amendment will operate as a repeal to section 3 of the code.

Mr. HOPKINS. Then why not put that in there?

Mr. JENKINS. The code provides for ten justices of the peace, while the proposed amendment provides for four. It might make fourteen, instead of reducing the number.

Mr. CANNON. No; my proposition is to amend section 3—

Mr. JENKINS. Amend section 3 "so that the same shall read as follows."

Mr. CANNON. That is what I propose to do—to amend section 3 so as to read as follows; and then if the Clerk will just add to the amendment those words—

The SPEAKER. The Chair understands that the gentleman means to strike out lines 14, 15, 16, and 17, after figure 3, and to insert.

Mr. CANNON. Yes.

The SPEAKER. The Clerk will make it conform.

The Clerk read as follows:

Strike out after the figure 3, in line 14, all of the paragraph and insert the following: "So as to read as follows:

"SEC. 3. Appointment and qualifications.—There shall be four justices of the peace in the District, who shall be appointed by the President of the United States for a term of four years, unless sooner removed as provided by law: *Provided*, That no person shall be appointed to said office unless he shall have been a bona fide resident of said District for the continuous period of at least five years immediately preceding his appointment, and shall either have held the office of justice of the peace in said District for a period of at least two years or shall have been engaged in the actual practice of law before the supreme court of the District for a period of at least five years prior to his appointment. Each of said justices before entering upon the duties of his office shall take an oath for the faithful and impartial performance of the duties of his office, and shall give bond in such form, in such penalty, and with such surety or sureties as may be prescribed by the supreme court of the District. And said supreme court shall divide the said District into four subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Amend section 7 so that it will read as follows:

"SEC. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose."

Mr. RAY of New York. Mr. Speaker, I move to strike out the entire section and to insert in lieu thereof the words "Section 7 is hereby repealed." The District code by another section gives the justice's court—

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of lines 3 to 10, inclusive, on page 64.

Mr. RAY of New York. No; 4 to 10, inclusive.

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. RAY of New York. It is simply to strike out section 7.

The SPEAKER. The gentleman will please reduce his amendment to writing.

The Clerk read as follows:

Line 3, page 64, after the word "trial," in line 2, strike out all down to the word "amend," in line 11, and insert "and section 7 of said act is hereby repealed."

Mr. RAY of New York. Now, Mr. Speaker, section 7, as it now stands, reads, "jury trials, trial by jury before justices of the peace is hereby abolished." That is all there is in it now. The jurisdiction of these justices of the peace extends to controversies involving the sum of \$300 or less, and replevin cases, etc., involving the same amount, and then in certain cases they have concurrent jurisdiction with other courts. Now, these cases may involve substantially all that the parties are worth who are compelled to go into these courts to have their rights determined; and I simply say that, in my judgment, it is an outrage upon the people of this District, the poorer classes of people, to deny to them the right of trial by jury. Their all is as sacred to them as is the property and property rights of the more prosperous citizens.

Now, the bill proposes to amend further—and it is the gist of this amendment—that each justice of the peace is authorized and required "on complaint under oath or actual view"—I do not know what view; but on view of something, I do not know what—"to issue warrants free of charge, returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof and in a book to be kept for that purpose." In other words, it is proposed to give jurisdiction to these justices of the peace to issue criminal process. While they are deprived of all criminal jurisdiction, they may issue criminal process either on written complaint or do it "on view," whether it is "view of the crime," "view of the complainant," "view of the defendant," "view of the heavens," or "view of the adjacent property," or what they do not say. But I am opposed to this provision, and I hope this House is opposed to it. If they are unworthy to have criminal jurisdiction to hear and determine the merits of a complaint, they ought not to have the right to issue criminal process. Let the complainant go to the criminal courts or police justices.

In the State of New York a criminal process can not be issued by any officer until he has before him a complaint reduced to writing, until witnesses have been sworn to ascertain whether there is some cause to believe that a crime has been committed. Then the police justice or a judge or officer having criminal jurisdiction may issue process and make it returnable before himself or in certain contingencies before some other criminal officer. Now, in the first place, these two subjects-matter ought not to be confounded in the same section. In the second place, we ought not to deprive these people of a jury trial where so much to them is involved. It may seem a small amount to some of us and to the rich men of the District, but to thousands of citizens the sum is large.

Mr. CLARK. Mr. Speaker, there is another thing about this jury business. Article 7 of the amendments of the Constitution says:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

I do not believe if we put that in the law it is of any account after we put it in. Surely there is not a man in this country that ought not to have a jury trial if he wants one.

The SPEAKER. The question is on the amendment.

Mr. JENKINS. Mr. Speaker, I desire to oppose the amendment. Now, I want so say to the House that the only opposition that is made to this amendment is made by the gentleman from New York, who says he does not want it passed. I would like to accommodate the gentleman from New York whenever it is convenient and let his judgment prevail, but I ask that this House be informed before it votes on this question. I want to say to my friend from Missouri that he need not have any fears with reference to the right of trial by jury. Any man can now have a trial by jury. But I do not want the gentleman from Missouri to be misled by anything that the gentleman from New York has said. It is very evident that the gentleman does not understand this from what he has said.

In the first place, the policy of Congress has been to have all these criminal proceedings tried in the police court, where every advantage and opportunity is given for the trial of any case brought there. It is deemed much better for the administration of justice to have all these cases tried there. The judges are excellent men, men of experience, and men of judgment, and have the confidence of this community. They have their arrangements for the trial of all these cases. They have the officers there to assist them in the execution of their duty, and convenient rooms for the trial of all cases. All criminals now brought for trial, if they so desire, can be tried by jury. I want to say to the House and the gentleman from New York that this amendment that he is so bitterly opposed to is placed here before this House

by the earnest and unanimous request of the Commissioners of the District of Columbia, and does not prevent justice being done, and does not deprive any man of his legal rights.

Mr. RAY of New York. May I interrupt the gentleman? Have not the people of the District anything to say whether they shall have a trial by jury in civil cases involving \$300 or less, or not? Are we going to deprive several hundred thousand people of a trial by jury because the District Commissioners want it done?

Mr. JENKINS. The gentleman does not ask any question.

Mr. RAY of New York. Yes, I do; I ask that question.

Mr. JENKINS. There is no one complaining. If anyone has complained to the gentleman from New York, he has not communicated the complaint to the Committee on the District of Columbia.

Mr. RAY of New York. May I interrupt again?

Mr. JENKINS. I decline to yield.

Mr. RAY of New York. Let me say—

The SPEAKER. The gentleman from New York is out of order; he does not address the Chair.

Mr. RAY of New York. Mr. Speaker, will the gentleman yield for a question?

Mr. JENKINS. No; not at this time. I was saying to the members of the House, for their information, that if anyone has uttered any complaint no complaint has come to any member of the Committee on the District of Columbia with reference to this matter. Everybody that is charged with an offense can be tried by a jury in the police court of this District. The amendment is introduced at the request of the Commissioners in the interest of justice, because it is not always convenient for a person who knows when a crime has been committed to come down to the police court and make complaint, but it was deemed advisable, after considering the question, to recommend to this House that this amendment be adopted, because it simply gives any person who knows, or who has reason to believe, that a crime has been committed, an opportunity to go before one of the justices of the peace and make complaint, so that that party can be arrested; the warrant is returnable to the police court.

It makes no difference to the committee whether the amendment is struck out, but I want the House to understand that it does not deprive anyone of any right under the Constitution of a trial by jury; they are tried the same, but it is recommended because it may prevent the escape of criminals.

It might as well be understood that the people of Washington labor under a great many embarrassments here that no other community in the country labors under.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RAY of New York. Now, Mr. Speaker, the gentleman has stated over and over again that every person may have a jury trial under the provisions of this law, and he criticises the gentleman from New York for suggesting something to the contrary. Now, let us read the law that they propose to put upon the statute book:

Amend section 7 so that it will read as follows:

"Sec. 7. Jury trials: Trial by jury before justices of the peace is hereby abolished. Each justice of the peace is authorized and required on complaint under oath or actual view to issue warrants free of charge returnable to the police court, against persons accused of crimes and offenses committed in the District of Columbia, and to make a record thereof in a book to be kept for that purpose."

Mr. JENKINS. That is the present law.

Mr. RAY of New York. And I move to strike it out and restore jury trial; that is my amendment. The gentleman from Wisconsin has stated over and over again that the people are not deprived of a jury trial, but are entitled to it. In that he is mistaken. I say that in my judgment, and I submit it to the judgment of the men of this House, that here in the District of Columbia the people who have \$300 or even less at stake have a right to a jury trial and ought to have it if they see fit to demand it. If they do not demand it, then they can go to trial before a justice of the peace without a jury. Strike this out and they can have a jury trial or not, as they see fit. Strike this out and the man with \$300 or even less at stake may have his case submitted to a jury.

Leave it in and you and I here in this District seeking justice are compelled to go to trial before one of these justices of the peace, who may be an enemy of ours, and we can not have a jury. You deny one of the greatest privileges sought to be guaranteed to these people by the Constitution of the United States. If it is \$350, you can have a jury trial; but if it is \$300 or less, no. If it is \$3,000, a part of what the rich man has, he may have the jury trial; but all that the poor man has may be swept away from him without a jury trial.

If a Republican House in the twentieth century desires to write that infamy on the statute book, I want them to do it; but I will give you a fair chance to go on record before it is done. [Applause.]

Mr. KLEBERG rose.

Mr. RAY of New York. I yield to the gentleman.

Mr. KLEBERG. I agree with the gentleman from New York, but I wish to bring out this fact: Is it not a fact that this amendment has reference to civil cases as well as criminal?

Mr. RAY of New York. Certainly. They propose the section as it stands with an amendment to the section which gives a justice of the peace who has no criminal jurisdiction the power to issue warrants in criminal cases, even on a view; some indefinite view, and the amendment does not say what. It may be a view of the crime itself; that is what is meant, probably. It may be a view of the criminal; it may be on a view or inspection of the complainant. I say the section as it stands is ill-advised; I say it is wrong; I say it is a violation of the principles of our Government, a violation of the liberties of the people of the District of Columbia, and I trust the amendment will be agreed to. It strikes the section—section 7—from the law—the District code.

Mr. BARTLETT. I agree thoroughly with the gentleman on the proposition that we ought to have jury trials in the District of Columbia. The gentleman remembers that I have a bill before his committee to give trial by jury to other citizens who are charged—

Mr. RAY of New York. Well, we will take care of that when we get to it. Let us correct one evil at a time.

Mr. BARTLETT. I am with the gentleman on the present question; but I hope he will remember his present views about jury trials when he comes to frame a report on that bill.

Mr. RAY of New York. Well, you will get no promises out of me now. [Laughter.]

Mr. BARTLETT. I do not want any "promises" from the gentleman. I merely ask that he shall carry out his views consistently in other cases in reference to jury trials.

Mr. RAY of New York. I can not say what the committee will do with the gentleman's bill when it is reached; but I do not think there is any such statute as that I am now discussing anywhere on any of our statute books.

Mr. JENKINS. Mr. Speaker, I desire simply to say what my limited time prevented me from saying a moment ago—that the law to which the gentleman from New York [Mr. RAY] seems so bitterly opposed now, in the interest of the poor man, is the existing law; and the gentleman from New York voted for it if he was present in the House discharging his duty at the time the measure was under consideration. And this provision of law was recommended unanimously by the bar of this District; and I think the bench also approved of it. But, at any rate, section 7 as it now reads here in the code was pending here before Congress for at least six months, and not a single individual in or out of the city of Washington, in or out of Congress, raised any objection to the proposed law, and it received the approval of both Houses and the approval of the President of the United States; and I repeat, up to this time not a single person has uttered a complaint against it.

Mr. BARTLETT. Will the gentleman allow me a single suggestion? As everybody knows, the Constitution secures to every individual a jury trial in all cases involving more than \$20. Now, on what authority do we undertake to change that provision by making the limitation \$300 instead of \$20?

Mr. JENKINS. Well, I have not time to enlighten my friend from Georgia with reference to the Constitution. If he will only read it, he is capable of understanding it himself.

Mr. BARTLETT. I want to know the gentleman's construction.

Mr. JENKINS. Now, the only amendment that has been recommended by the committee is to permit a justice of the peace to issue a warrant for the arrest of an offender and to have that warrant returnable to the police court. That is the amendment.

Mr. BARTLETT. Have I the gentleman's permission for a single further suggestion? I understood the gentleman from New York [Mr. RAY] to refer to a jury trial in civil cases.

Mr. JENKINS. Well, that is the law in the District now; and the gentleman from Georgia [Mr. BARTLETT] voted for it.

Mr. BARTLETT. Well, if I did, I did not know it.

Mr. MANN. Nobody voted for it; it passed by unanimous consent.

Mr. CLARK. Will the gentleman from Wisconsin [Mr. JENKINS] allow me to ask him a question?

Mr. JENKINS. I yield for a question.

Mr. CLARK. Suppose that the law is now as the gentleman states, why not change it? The House has power to do that.

Mr. JENKINS. I have not the slightest objection, if it is at present the opinion of Congress that the law ought to be changed. I simply want the House to understand the question. We are not now recommending that provision.

Mr. CLARK. What reason do the proponents of this proposition to take away the trial by jury give for it?

Mr. JENKINS. Well, this was passed nearly two years ago, I believe.

Mr. CLARK. I do not care when it was passed. What reason

is there for taking away the trial by jury? There must be some reason or the provision ought not to be sanctioned.

Mr. JENKINS. I do not know anything about that question at this time.

Mr. RAY of New York. I can answer that question if the gentleman from Wisconsin will permit.

Mr. JENKINS. Very well.

Mr. RAY of New York. The object of putting that provision in was to make it easy for these gentlemen—these 10 justices of the peace in the District of Columbia—to draw their salaries out of the public Treasury. That was the object—to do away with the labor of drawing a jury, to give these 10 justices of the peace more personal power, more dignity.

Mr. CLARK. How does taking away the trial by jury help them to draw their \$3,000 a year?

Mr. RAY of New York. They get their salaries more easily—don't you see?

Mr. CLARK. I do not.

Mr. RAY of New York. They do not have the work of impaneling a jury, or their power or influence lessened. The law makes them both judge and jury.

Mr. CLARK. Let me ask another question. Is not this abolition of trial by jury directly and squarely in the face of the seventh amendment of the Constitution of the United States?

Mr. JENKINS. Now, Mr. Speaker—

Mr. CLARK. Wait a minute. I desire the gentleman to answer that.

The SPEAKER. The gentleman from Wisconsin has the floor.

Mr. RAY of New York. I think it is unconstitutional, I will state to the gentleman from Missouri. It is unjust. It may be held that the District of Columbia is not entitled to the benefit of the constitutional provision referred to, but subject to such arbitrary acts as Congress sees fit to enact.

Mr. JENKINS. As I say, Mr. Speaker, I simply want the House to understand the question. I have no personal pride about it, and I do not think any gentleman on the committee has. I simply want them to understand that some year and a half ago the law was passed in this District that trial by jury before justices of the peace be abolished. Now, then, if Congress wants to change it, I have not the slightest objection. I am simply saying that up to this time no citizen of this District or any person else has come and made any complaint to the committee on the question. I will ask for a vote on the amendment, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Amend section 39 so that it will read as follows:

"Sec. 39. Retiring justices, and removal, resignation, and death.—It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office, or the expiration of his commission, and in case of his death, it shall be the duty of his executor or administrator, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death, to his successor in office."

Mr. RAY of New York. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 22, page 65, after the word "administrator," insert the following: "if such dockets or papers have come to his possession or are within his control."

Mr. RAY of New York. Now, Mr. Speaker, I desire the attention of the House to what this section as it reads provides. It is as follows:

It shall be the duty of every justice of the peace hereafter appointed, upon his resignation or removal from office or the expiration of his commission, and in case of his death it shall be the duty of his executor or administrator, to deliver all dockets and all original papers in cases in the possession of such justice of the peace at the time of his resignation, removal, expiration of commission, or death to his successor in office.

Then the following:

Upon failure of any person to deliver such dockets and papers as in this section provided, he shall forfeit to the United States the sum of \$500, to be recovered as other penalties are recovered.

Now, of course it is presumed that on the death of the justice of the peace these papers would be in his possession, but months may expire before an administrator is appointed. Other people may have access to the papers and remove or destroy them, but when the administrator or executor is appointed, so that he has power to take possession, he may not find these dockets, he may not find these papers, and they may never come into his possession or under his control; but still the law makes it the absolute duty of the executor or administrator to deliver them over, and if he does not he is subject to a penalty of \$500. The amendment simply provides that it shall be the duty of the executor or administrator, etc., adding as follows:

If such docket or papers have come into his possession or are within his control.

Now, you can not answer that by saying that the law would

not be enforced against him if he does not have the possession, because it is his duty, as the proposed law reads, to deliver them whether he has them or not. He is the executor or the administrator, and the law that you have written here would be absolute. Therefore the amendment makes it safe for the executor or administrator even if some might argue that it is unnecessary that the court would give a more favorable construction.

Mr. JENKINS. Mr. Speaker, the committee has no objection to the amendment. It does not change the law. This amendment was drawn by the Bar Association, and certainly any lawyer on earth would know that if the books and papers never came into the hands or keeping of the administrator he certainly could not be punished for failure to deliver them over; but as I say, the committee has no objection to the hypocritical amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 42 by substituting for said section the following:

SEC. 42. Constitution.—There shall continue to be a police court in the District as at present constituted, consisting of two judges learned in the law, appointed by the President, by and with the advice and consent of the Senate, for the term of six years, or until their successors are appointed, who shall each receive a salary of \$3,000 per annum. The said judges shall hold separate sessions and may carry on the business of said court separately and simultaneously, and are empowered to make rules for the apportionment of the business between them, and the act of each of said judges respecting the business of said court shall be deemed and taken to be the acts of said court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States.

Mr. OVERSTREET. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out in line 4, page 67, the word "three" and insert in lieu thereof the word "four."

Mr. OVERSTREET. Mr. Speaker, there are at present in the District of Columbia two police judges who, under existing law, receive a salary of \$3,000 per year. The amendment proposes an increase of this salary from \$3,000 to \$4,000 a year. I appreciate that there are those who think that it is unwise to offer to increase any of these salaries, and yet if it is right there should be no objection. If they are not receiving what they are entitled to for the work performed, Congress should see that they are properly paid.

There have been tried in this court in the District of Columbia, covering the last several years, an average of over 16,000 cases per year. There have been on an average from 150 to 175 jury cases each year. These judges are given no holidays, because, gentlemen, understand that, unfortunately, holidays produce a large amount of police-court business. They are not paid in proportion to the time they are at work nor the amount of business which they discharge. They are two of the best men in the District, who have served a long time, who are familiar with the law, and who by their acts have proven that they understand the proper discharge of their duties.

Now, Mr. Speaker, the fines paid have something to do with evidencing the amount of work done; not the fines assessed, but the fines paid. The fines paid during the last several years have averaged between thirty-five and fifty thousand dollars per year in this court, and I submit that in justice to these men, who work without holidays, who are allowed only a little sum extra over and above their salary of \$3,000, namely, \$300 a year to cover emergencies when they are obliged to employ some one to sit for them when they are incapacitated from illness or otherwise, they should receive this increase, which does not go beyond the amount usual in cities of this size. I understand that in other cities of about equal population and equal business, perhaps, the salaries are larger than those proposed by this amendment.

I want to suggest, Mr. Speaker, that for the first four months of this year, January, February, March, and April, the fines actually paid in the police court of this District amount to over \$20,000. The cases have averaged a larger number than for the preceding three or four years, so that the amount of work is increasing constantly, and I trust that gentlemen will not undertake to be parsimonious with these men, but will recognize that as men of high character and good qualifications, of long experience in this business, a most delicate and embarrassing business for any jurist to transact, gentlemen will see to it that these men are properly paid, under the custom prevalent in such courts. I have here a little statement showing the business for the last few months only. If this average should continue, the business of this court will greatly increase this year over any preceding year in the history of the District.

I speak of this only as an evidence of the constantly growing business of the court. I will not detain the House, but will ask that this statement be printed, showing the growth of the business in the District, and that it thoroughly and completely warrants this slight increase in the pay.

Number of cases disposed of in the police court from January 1, to December 31, 1901.

United States branch	6,621
District of Columbia branch	12,581
Total	19,202

Committed to jail and reform school	2,065
Committed to workhouse	4,408
Committed to board of Children's Guardians	451
Total committed	6,924

Fines paid.	
United States branch	\$16,304.87
District of Columbia branch	39,463.13
Total	55,768.00

Fines paid in 1902, by months.		
Date.	United States branch.	District of Columbia branch.
January	\$1,082.37	\$3,828.67
February	1,148.72	3,595.98
March	1,704.96	4,558.42
April	1,324.04	4,364.38
Total	5,260.09	16,287.45

Total both branches	\$21,547.54
Estimating 1902 at the above rate	64,062.62

The appropriation for the police court for the next fiscal year as passed the House of Representatives is:

For salaries	\$30,840.00
Witness fees	4,000.00
Jurors' fees	8,000.00
Feeding jurors	100.00
Repairs to building and furniture	1,000.00
Rent of ground occupied by police-court cells	600.00
Total	34,540.00

Receipts over expenditures for all purposes, more than	30,000.00
--------------------------------------------------------	-----------

Mr. ALEXANDER. Mr. Speaker, will the gentleman allow me a question?

Mr. OVERSTREET. Yes.

Mr. ALEXANDER. How many police courts have you in Indianapolis?

Mr. OVERSTREET. Only one.

Mr. ALEXANDER. We have one in Buffalo. How many have they in Pittsburg?

Mr. OVERSTREET. I think Pittsburg has magistrates.

Mr. ALEXANDER. Why do they need two police justices in this quiet, orderly city of Washington?

Mr. OVERSTREET. The fact that there are over 16,000 cases a year, and that fines actually paid amount to \$50,000 a year, would show that this city is not always a quiet one.

Mr. ALEXANDER. Why not have one police justice, as there is in most cities, I apprehend, and then give him a salary of \$4,000?

Mr. OVERSTREET. This is a larger city than Indianapolis and a larger city than Buffalo, and upon the merits of the case I think the amendment is entirely proper.

Mr. DALZELL. I will say to the gentleman from New York that there is no police court in Pittsburg, but that justices of the peace attend to all that sort of thing.

Mr. DAYTON. May I suggest in answer to the gentleman from New York that the justices of the police court here have a double jurisdiction—one as regards offenses against the city and the other offenses against the United States.

Mr. COWHERD. Mr. Speaker, I desire to be heard for a moment. I regret to oppose any amendment offered by my friend from Indiana [Mr. OVERSTREET], but it seems to me that these judges are certainly paid enough in comparison with the pay that is given to judges of the United States courts and judges of the different State courts. The gentleman talks about the great amount of business they transact. This is simply an ordinary police court, and the gentleman knows in what way they transact business there. They try twenty, thirty, or forty cases a day with as much ease or more ease than a circuit judge tries one case that comes before him. The trials ordinarily are very informal. A man is brought up, a policeman testifies and the man testifies, and perhaps one or two other witnesses, but more frequently none, and that is all there is of it. I venture to say four-fifths of the defendants plead guilty. These men now get \$3,000 a year.

The average judge of a circuit court in the States of the Union does not get more than that, although he tries both civil and criminal cases of the utmost importance. The judges of the United States district courts, who, as we all know, transact the circuit court business, also get only \$5,000 a year.

It seems to me it would be a piece of folly for the Congress of the United States to give a police judge in the city of Washington \$4,000, when the salary given to judges of the United States district courts is only \$5,000. It would be out of all harmony with

the action of Congress in reference to the judges of the United States courts. I hope the amendment will be defeated.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Speaker, I desire to move an amendment. I move to strike out in line 2 the following words:

The SPEAKER. What page?

Mr. CANNON. Page 67. "By and with the advice and consent of the Senate." This is the criminal justices of the peace.

The SPEAKER. Does the gentleman desire to be heard?

Mr. CANNON. No; I am ready for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 51 by substituting for said section the following:

SEC. 51. DISABILITY OF JUDGE.—In cases of sickness, absence, disability, expiration of the term of service or of death of either of the judges of said court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said police judge until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for the judge of the police court and shall receive the sum of \$5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court.

Mr. JENKINS. Mr. Speaker, I offer the following amendment for the committee.

The Clerk read as follows:

Strike out lines 22, 23, 24, and 25 on page 67:

"And shall receive the sum of \$5 for each day of service, in addition to the salary now provided for by law, to be paid in the same manner as the salary of the judge of the police court."

Mr. JENKINS. I desire to further amend by striking out all after the word "court," in line 22. In preparing the amendment I observe that I did not include enough. The object and purpose of the amendment, I will say, Mr. Speaker, is to prevent paying a justice of the peace \$5 a day when called to preside when the police judge is absent. Under the present law each justice of the peace gets \$3,000 a year salary and an allowance of \$250 for stationery, office rent, etc. The police judge gets \$3,000 a year only.

Now, if the police judge happens to be sick or desires to be absent, one of the justices of the supreme court can designate one of the justices of the peace to act temporarily during the absence of the police judge; but under the present law the justice of the peace gets \$5 a day extra for this service. The object and purpose of the amendment is to prevent that and to compel that officer to perform those duties without extra compensation.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend section 65 by inserting in the fourteenth line thereof, after the word "auditor," the words "and also," and by striking out the comma in said line 14 after the word "crier;" also by adding at the end of said section the words "Provided, That nothing in this section contained shall affect the jurisdiction of the supreme court of the District of Columbia in special or general term in the case of the United States v. Martin F. Morris and others, now pending therein, but the jurisdiction of the said court, both in special and general term, and the jurisdiction of the Supreme Court of the United States shall remain and continue as to said cause, under the act of Congress entitled 'An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia,' approved August 5, 1886, and an act of Congress approved January 7, 1895, entitled 'An act supplementary to an act entitled "An act establishing a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893,' and an act of Congress entitled 'An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats,' approved March 2, 1901, as if the act entitled 'An act to establish a code of law for the District of Columbia,' approved March 3, 1901, had not been passed."

Mr. RAY of New York. It may be all right, but I desire to inquire of the gentleman in charge of the bill about amendment 65. You say nothing shall affect a certain suit. What suit is that? Of course, special legislation that might not affect other suits, but only one particular suit, or the contrary, ordinarily would be objectionable.

Mr. JENKINS. The gentleman from New York will remember that the Committee on the Judiciary last Congress passed a bill with reference to the case known as the United States against Morris, affecting some land down here. The amendment to the code is not to affect that suit, after that law was passed.

The Clerk read as follows:

Amend section 102 so that it will read as follows:

"SEC. 102. Process against infants.—Whenever an infant is party defendant in any suit, in equity or at law, the subpoena or summons issued in such suit shall be served upon him personally, if within the District, and said infant shall in such case be produced in court, unless, for cause shown, the court shall dispense with his appearance; and it shall be the duty of the court to appoint a suitable and competent person guardian ad litem for such infant, to appear for and defend such suit on his behalf, and whenever in the judgment of the court the interests of such infant shall require it the court shall assign a solicitor or attorney to represent such infant, whose compensation shall be paid by the plaintiff, or out of the estate of such infant, at the discretion of the court."

Mr. RAY of New York. Mr. Speaker, I can not find in the code adopted for the District of Columbia any provision any-

where that provides for the service of process where a suit is brought against an infant of tender years, upon his guardian, next friend, parent, or person with whom he resides. I do not think there is any such provision in the act. Of course, if the gentleman can assure me that there is such a provision elsewhere, then I will not offer this amendment. But in the State of New York and in all the States where I am familiar with the practice the code provides, not only for personal service upon the infant of tender years, but for service upon the parent of such infant or person with whom he resides.

Mr. JENKINS. I have no objection to that amendment.

Mr. RAY of New York. I do not want to duplicate the law. I send the following amendment to the desk.

The Clerk read as follows:

In line 14, page 70, after the word "personally," insert the following: "And also the person with whom he resides, if under 16 years of age."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

SEC. 115b. Estates of lunatics.—The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.

Mr. RAY of New York. Mr. Speaker, I submit the following amendment:

The Clerk read as follows:

In line 18, page 72, after the word "persons," insert the following: "After hearing the nearest relatives of such person or some of them if residing within the jurisdiction of the court."

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, it has been proposed that we adjourn from Thursday of this week to Monday next on account of Decoration Day. Many members have been asking me about it, and I move that when the House adjourn on Thursday of this week, it adjourn to meet on the Monday following.

Mr. KEHOE. Mr. Speaker, would not that interfere with war claims day?

Mr. PAYNE. I think the gentleman had better leave that open. The truth is by passing the omnibus bill the Committee on War Claims have had a pretty good chance already.

Mr. KEHOE. We have had only one day.

Mr. PAYNE. Well, that was a pretty good day.

Mr. KEHOE. We have no objection to it if you will give us another day for war claims.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—49 ayes and 4 noes.

Mr. MADDOX. Mr. Speaker, I make the point of no quorum. If we can get unanimous consent to have Tuesday next for war claims, I will withdraw the point, but we will never get it unless we have some understanding about it.

Mr. PAYNE. In the absence of the chairman of the Committee on War Claims I do not feel like making any agreement. If I can withdraw the motion now, I will do so. I ask unanimous consent to withdraw my motion.

The SPEAKER. That can be done if the gentleman from Georgia withdraws the point of no quorum.

Mr. MADDOX. I will withdraw the point, Mr. Speaker.

The SPEAKER. The point is withdrawn, and the motion is withdrawn.

Mr. PAYNE. I desire to give notice, Mr. Speaker, that I will make the motion to-morrow morning immediately after the reading of the Journal.

AMENDMENTS TO THE DISTRICT CODE.

The Clerk read as follows:

Amend section 121 so that it will read as follows:

"SEC. 121. The said register of wills may receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final passage or rejection of same by the court, may take probate of claims against the estates of deceased persons that are proper to be brought before him, and pass any claims not exceeding \$500; may take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court. It shall be his duty to make full and fair entries of the proceedings of said court, and also to make a fair record in a strong bound book or books of all wills proved before him or said court, and of all other matters by law directed to be recorded in said court, and to lodge every original paper filed with him in such place of safety as the court may appoint. He shall make out and issue every summons, process, and order of the court, and in every respect act under its control and direction in reference to matters coming within the jurisdiction of said court. He shall be, and hereby is, authorized to appoint two deputies, who may do and perform any and all the acts necessary in the administration of his office and the certification of the records of said court which he himself is authorized to do; also to appoint and fix the number and the compensation of the employees of said probate court and office of register of

wills; *Provided*, That any expenditures incurred by him in so doing shall not be a charge upon the public treasury, but shall, together with his own compensation, be paid out of the revenues of the office of register of wills.

Mr. BABCOCK. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Insert in line 17, page 77, after the word "compensation," the following: "which shall be at the rate of \$4,000 per annum."

Mr. COWHERD. Mr. Speaker, I would like to ask the gentleman if that is a change of existing law or the same salary that he has now?

Mr. BABCOCK. This is the salary of the register of wills.

Mr. COWHERD. But is it the same salary that is provided by law or is it an increase?

Mr. BABCOCK. The salary of the register of deeds is \$4,000, and this will equalize them and make them the same—the register of wills and the register of deeds.

Mr. COWHERD. It seems to me, Mr. Speaker, that when this matter was considered in the subcommittee we came to the conclusion that his salary was sufficient at present, and it did not require any increase. It seems to me that if the register of wills, who, I admit, sometimes acts somewhat in the capacity of a probate judge—that the salary is sufficient and that we ought not to increase these salaries.

Mr. BABCOCK. Just a word, Mr. Speaker, in reference to that. The salary of the register of wills is \$3,600, and of the register of deeds, \$4,000. As a matter of fact, the register of wills ought to have a greater salary than the register of deeds.

Mr. COWHERD. Could they not be equalized by reducing it at the other end?

Mr. BABCOCK. That might be done. But, as I say, the register of wills ought to have a larger salary than the register of deeds for the reason that the register of wills is acting in the capacity of a probate court.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was considered; and the amendment was disagreed to.

The Clerk read as follows:

Amend section 175 by striking out the proviso at the end and inserting in lieu thereof the following:

"*Provided*, That for proceedings in the probate court deposits and fees shall be paid to the register of wills, who shall be entitled to demand and may require, upon the presentation for filing of a petition or a caveat to a will, a deposit for his fees to be charged for the proceedings under such petition or such caveat; and upon such deposit becoming exhausted in the liquidation of his fees so charged, he may demand and require a further deposit from the original petitioner or caveator; but such deposits shall not be required in excess of \$10 at any one time."

Mr. JENKINS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 12, page 81, strike out the word "ten" and insert the word "fifteen."

The amendment was agreed to.

The Clerk read as follows:

Amend section 275 so that it will read as follows:

"Sec. 275. Special bond.—If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved by the court, in such penalty as the court may consider sufficient, conditioned for the payment of all the debts and claims against the deceased, and all damages which shall be recovered against him as administrator; and where the administrator shall file the consent in writing of those entitled to the residue and they shall all be of full age, the court may, if it see fit, direct that only such special bond be given, and in such cases the administrator shall not be required to return any inventory or account, but shall be personally answerable for all debts, claims, and damages that may be recovered against him, in like manner as the executor who gives a similar bond: *Provided*, That the surety or sureties in said bond shall not be liable for a greater amount than the penalty thereof."

Mr. RAY of New York. Mr. Speaker, I move to strike out the last word. I desire to call the attention of this House to the legislation being written on the statute book. Here we have a special section in relation to estates of deceased persons. Now, if a person dies, the creditors have a lien on all the property, real and personal, for the payment of debts, and the executor or administrator, after it came to his possession, should he waste it, is liable criminally.

This section that you are about to adopt, or amend—it has already been adopted in the District code—simply does away with the criminal liability where the executor or administrator is a residuary legatee or principal devisee, and the property can all pass to his hands as owner. He may dissipate it, he may spend it, but if he has given the bond here provided the creditors of the estate must look to the bond for their protection for the payment of their debt. They are without the other, the usual remedies, the remedies the law has heretofore given creditors of deceased persons.

And if the bond turns out to be bad, uncollectible, then they have no remedy against the executor or administrator, as the case may be.

I shall not now occupy the time of the House to oppose the provision or to attempt to strike it out, but I want to enter my protest against it, because I dare say there is no such provision anywhere in any State of this Union.

Mr. McDERMOTT. Is there any State in the Union where a residuary legatee, being an executor, can not waive the ordinary duty of filing an account?

Mr. RAY of New York. So far as the account is concerned—

Mr. McDERMOTT. That is all this section does.

Mr. RAY of New York. I beg the gentleman's pardon.

Mr. McDERMOTT. My reading of the section is this—

Mr. RAY of New York. What the section does is this: It substitutes a special bond for the liability, civil and criminal, of the executor or administrator and does away with the ordinary bond protecting the creditors, if he wastes the estate and does not pay the debts. This permits him to give a bond, and he is released from all criminal responsibility, whether the creditors get their pay or not.

Now, in nearly every State of this Union—every State with whose laws I have any familiarity—an executor or administrator remains liable criminally; and if he dissipates or wastes the property, then his bondsman is liable to the creditors. Not only are they liable to the creditors, but the executor or administrator may be prosecuted criminally.

Mr. McDERMOTT. There is nothing in the proposition of this section that relieves the executor or administrator from criminal liability.

Mr. RAY of New York. Certainly there is.

Mr. McDERMOTT. Well, where is it?

Mr. RAY of New York. Why, it is in the language of the section—

Mr. McDERMOTT. I would like to have it pointed out.

Mr. RAY of New York. Because this substitutes a bond, upon the assumption—

Mr. McDERMOTT. There is no proposition in section 275 as amended that relieves the executor or administrator of criminal liability. Such a proposition has never been placed in any statute.

Mr. RAY of New York (reading):

If the person appointed as administrator shall be entitled to the residue of the estate after the payment of the debts, he may, instead of the bond herein provided for, execute a bond, with security approved, etc.

And then the section goes on to provide that he then becomes the owner of the property; and the only protection to the creditor is the bond which has just been given. He can not misappropriate his own money or property. The creditors lose their lien.

Mr. McDERMOTT. If he is the residuary legatee there is no necessity for his filing an account. All that the section provides is that in any civil procedure for the administration of the estate he may and shall file a bond. That is the procedure in every State of the Union. On filing that bond to carry out the terms of the trust that rests upon him under the law, he is released from the necessity of filing an account, he being the residuary legatee. That, in my opinion, is the law in every State in the Union.

Mr. RAY of New York. Now, let me ask the gentleman—

Mr. McDERMOTT. The proposition that he is released from criminal liability is unwarranted.

Mr. RAY of New York. Criminal liability attaches for the wasting of the property and not applying it, first, to the payment of the debts and funeral expenses, and second, in the case of a will, to the payment of legacies, or, where there is no will, to the payment of the distributive shares. Now, the bond protects that, and the creditors, legatees, devisees, or distributees, as the case may be, have another remedy, which is to prosecute the executor or administrator criminally, if he wastes the property. But the trouble with this section is that it does away with the criminal liability and allows the executor or administrator to give a bond for the payment of the debts and become the owner of the property. Then he can not be made liable for wasting his own property, because the lien of the creditors, the distributees, the devisees, or the legatees is gone. That is the point of my objection. Also the bond may be insufficient in amount. The court may be deceived as to the amount of debts.

Mr. McDERMOTT. The proposition that an executor or an administrator is relieved from criminal liability for abuse of his trust by the filing of a bond under this section is preposterous. There is no word of the section which warrants any such construction. On the contrary, this section provides that within the District of Columbia one who is appointed an executor and is a residuary legatee under the will shall give an additional security to that called for in any State of the Union. If the gentleman will read any part of this section which relieves a man under such circumstances from criminal liability I shall be glad to hear it.

Mr. RAY of New York. The exemption is conveyed in express

terms. It is not a question of construction; it is a question of words written in the law.

Mr. McDERMOTT. What words give any exemption from criminal liability?

Mr. RAY of New York. If the executor or administrator gives this bond, he becomes the owner of the property; and the creditors, if he does not pay, must look to what? The bond.

Mr. McDERMOTT. He becomes the owner of the residuary property; and in addition to his obligation as executor his payment of the legacies is further secured, and he being the residuary legatee, that is all that is required of him.

Mr. RAY of New York. I have offered no amendment. I simply call attention to it for the benefit of the future, but the gentleman simply ignores the express language of the law.

Mr. Speaker, I ask unanimous consent to withdraw the pro forma amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the pro forma amendment. Without objection, it is so ordered.

There was no objection.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that the House now take a recess until to-morrow morning at 11 o'clock for the purpose of completing this bill.

Mr. PAYNE. Mr. Speaker, pending that, I would like to renew the motion I made a few moments ago, that when the House adjourn on Thursday next it adjourn to meet on the Monday following.

The SPEAKER. The question is on the motion of the gentleman from New York, that when the House adjourn on Thursday next it adjourn to meet on the following Monday.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House take a recess until 11 o'clock to-morrow morning.

Mr. PAYNE. Is it the understanding that no business be considered except this bill?

Mr. JENKINS. Yes.

The SPEAKER. With the understanding that no other business be considered except this bill.

Mr. UNDERWOOD. Mr. Speaker, is it a unanimous consent that is asked?

The SPEAKER. That is what is asked.

Mr. UNDERWOOD. I did not hear it and I came over here to try and hear. What is asked?

The SPEAKER. That the House take a recess until to-morrow morning at 11 o'clock for the purpose of concluding this bill.

Mr. UNDERWOOD. And no other business to be considered?

Mr. JENKINS. No.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. HOLLIDAY, for eight days, on account of important business.

Mr. SKILES, for ten days, on account of important business.

Mr. DAVEY of Louisiana, for ten days, on account of important business.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13503. An act granting an increase of pension to Charles Haltenhof;

H. R. 13266. An act granting an increase of pension to Elbert N. Remson;

H. R. 13265. An act granting an increase of pension to John Whalen;

H. R. 13249. An act granting an increase of pension to Ada Trowbridge;

H. R. 13162. An act granting an increase of pension to Augustin M. Adams;

H. R. 13132. An act granting an increase of pension to Annie Cotter;

H. R. 12780. An act granting an increase of pension to William H. Wheeler;

H. R. 12778. An act granting an increase of pension to Edward R. Blain;

H. R. 12562. An act granting an increase of pension to William H. Temple;

H. R. 12458. An act granting an increase of pension to William M. Barstow;

H. R. 12012. An act granting an increase of pension to Walter C. Tuttle;

H. R. 11921. An act granting an increase of pension to George W. De Graw;

H. R. 11644. An act granting an increase of pension to Edgar A. Hamilton;

H. R. 11285. An act granting an increase of pension to William Sheldon;

H. R. 10731. An act granting an increase of pension to Samuel P. Milburn;

H. R. 10201. An act granting an increase of pension to Otis R. Freeman;

H. R. 10165. An act granting an increase of pension to Delia E. Slocum;

H. R. 9926. An act granting an increase of pension to James F. Patton;

H. R. 9569. An act granting an increase of pension to Albert Deits;

H. R. 9437. An act granting an increase of pension to Elias A. Calkins;

H. R. 8921. An act granting an increase of pension to Jesse C. Rhodabek;

H. R. 14099. An act granting a pension to Samantha B. Van Brocklin;

H. R. 13823. An act granting a pension to Hannah T. Knowles;

H. R. 13807. An act granting a pension to Jeremiah Horan;

H. R. 13350. An act granting a pension to Presley P. Medlin;

H. R. 12685. An act granting a pension to Hiram J. Springfield;

H. R. 11343. An act granting a pension to Mary Louise Lowry;

H. R. 9928. An act granting a pension to Benjamin E. Styles;

H. R. 9249. An act granting a pension to Amos Allport;

H. R. 9226. An act granting a pension to Elizabeth I. Ogden; and

H. R. 8466. An act granting a pension to Lucinda A. Sirwell.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5406. An act to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, of South Carolina, to the mainland of Richmond County, Ga.;

S. 4264. An act providing that the statutes of limitations of the several States shall apply as a defense to actions brought in any courts for the recovery of lands patented under the treaty of May 10, 1854, between the United States of America and the Shawnee tribe of Indians;

S. 3908. An act granting homesteaders on the abandoned Fort Bridger, Fort Sanders, and Fort Laramie military reservations, in Wyoming, the right to purchase one quarter section of public land on said reservation as pasture or grazing land, and for other purposes;

S. 1172. An act granting an increase of pension to Catharine F. Edmunds;

S. 593. An act for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; and

S. 2782. An act to authorize the construction of a bridge across the Columbia River by the Washington and Oregon Railway Company.

EDWIN A. WILSON.

By unanimous consent, at the request of Mr. FLYNN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edwin A. Wilson, Fifty-sixth Congress, no adverse report having been made thereon.

C. AUGUSTA URQUHART.

By unanimous consent, at the request of Mr. MEYER of Louisiana, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of C. Augusta Urquhart, Fifty-sixth Congress, no adverse report having been made thereon.

RECESS.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the House take a recess until 11 o'clock to-morrow morning? [After a pause.] The Chair hears none.

Accordingly at 4 o'clock and 57 minutes the House took a recess until 11 o'clock to-morrow morning.

AFTER THE RECESS.

The recess having expired, the House at 11 a. m. Tuesday, May 27, 1902, resumed its session.

The SPEAKER. The Clerk will report the next paragraph.

Mr. JENKINS. Mr. Speaker, before that is done I desire to ask unanimous consent to return to page 81 of the bill, between lines 21 and 23. When we passed this yesterday no amendment was offered, as was originally intended, because we had not an understanding with the Appropriation Committee with reference to it, and I desire now to offer the following amendment.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to recur to page 81 of the bill for the purpose of offering an amendment. If there is no objection, this will be done. [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 182 so it will read as follows:

"Sec. 182. If a balance be found due from the United States to the clerk, the same shall be paid (out of the appropriations for fees of clerks of United States courts), upon presenting to the Treasurer a copy of the decree duly certified. The clerk shall, as in other cases to which the United States is a party, furnish the Solicitor of the Treasury a copy of the decree immediately after it is pronounced."

Mr. JENKINS. Mr. Speaker, the reasons, I will say to the House, for asking for the adoption of the amendment are these:

Section 182 of the code provides for the payment of the clerk of the supreme court of the District of Columbia and his assistants, but makes no appropriation for the purpose when a balance is found due the clerk.

The Comptroller of the Treasury has decided that without an appropriation the section would be inoperative.

The expenses of the clerk's office, including salaries, are paid out of the fees of the office. Usually there is a balance due the United States, which is paid into the Treasury. Sometimes it occurs, however, that there is a balance due the clerk, in which case the expenses can not be paid without an appropriation.

The proposed amendment simply provides that when there is a balance due the clerk's office it shall be paid out of the current appropriation for fees of clerks of United States courts.

The proposed amendment has been submitted to and is not objected to by the chairman of the Committee on Appropriations of the House, and is approved by the Committee on the District of Columbia of the House.

Mr. KLEBERG. Mr. Speaker, I would ask what is the salary of the clerk and how it is paid now?

Mr. JENKINS. The clerk's salary is paid by the fee system. This is to render it unnecessary to have an appropriation when the amount is insufficient to pay him at that time; it rests in abeyance, so to speak, and when the fees come in he is then paid.

Mr. KLEBERG. Out of the fees?

Mr. JENKINS. Yes.

Mr. SMITH of Kentucky. He is paid a salary?

Mr. JENKINS. Yes; he is paid a salary out of the fees.

Mr. SMITH of Kentucky. But the fund is created by charging fees?

Mr. JENKINS. Yes; and he is paid out of the fees only. I will ask for a vote on the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Add after section 826 a new section, as follows:

"Sec. 826a. Offenses against property.—Whoever shall connect or disconnect any electrical conductor belonging to any company using or engaged in the manufacture and supply of electric current for purposes of light, heat, and power, or either of them, or makes any connection with any such electrical conductor for the purpose of using or wasting the electric current, or who in any wise tampers with any meter used to register current consumed, or who interferes with the operating of any dynamo or other electrical appliance of such company, or tampers with or interferes with the poles, wires, conduits, or other apparatus used by such companies, unless such person or persons shall be duly authorized by or be in the employ of such company, shall be punished by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both."

Mr. RAY of New York. Mr. Speaker, I desire to offer an amendment. I notice that section reads:

Whoever shall connect or disconnect any electrical conductor belonging to any company—

And so forth.

It makes him guilty of a crime. I move to insert after the word "shall," in line 15, page 101, the word "knowingly;" so that it will read "whoever shall knowingly connect or disconnect."

The amendment was agreed to.

The Clerk read as follows:

Insert following section 845 the following additional section:

"Sec. 845a. Whoever having no title or color of title to the land affected shall maliciously cause to be recorded in the office of the recorder of deeds of the District of Columbia any deed, contract, or other instrument purporting to convey or to relate to any land in said District with intent to extort money or anything of value from any person owning such land, or having any interest therein, shall be fined not less than \$500 or imprisonment not more than two years, or both."

The SPEAKER. The Chair calls the attention of the gentleman from Wisconsin [Mr. JENKINS] to line 13, page 103. It seems that the letter "d" should be inserted in the word "recorded."

Mr. JENKINS. I ask that that correction be made.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Amend section 921 so that the first sentence thereof will read as follows:

"When two or more persons are jointly prosecuted, the court, before a defendant has gone into his defense, may direct any such defendant to be discharged that he may be a witness for the prosecution."

Mr. JENKINS. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out lines 19 to 24, both inclusive, page 107.

The amendment was agreed to.

The Clerk read as follows:

Amend section 962 so it will read as follows:

"SEC. 962. When lands escheat.—Any lands in the District of Columbia of which any person shall hereafter die seized in fee simple intestate, without any heir capable of inheriting, shall escheat to the United States."

Mr. MUDD. Mr. Speaker, I have an amendment to offer.

The SPEAKER. The gentleman from Maryland offers the following amendment.

The Clerk read as follows:

On page 108, after line 24, insert the following:

"Amend section 963, by adding at end of section the following:

"Provided, however, That all petitions for divorce pending on the 31st day of December, 1901, may be proceeded with and disposed of under the provision of the statutes in force on said date."

Mr. JENKINS. We have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

At the end of chapter 25, following section 1073, insert the following additional section:

"SEC. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness, such party may, in the discretion of the court, be allowed to prove for the purpose only of affecting the credibility of the witness that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such proof can be given the circumstances of the supposed statements sufficient to designate the particular occasion must be mentioned to the witness and he must be asked whether or not he has made such statements."

Mr. RAY of New York. Mr. Speaker, on page 117, commencing with the word "whenever" in line 23, I move to strike out all down to line 9, page 118, and insert the following.

The SPEAKER. The gentleman from New York offers the following, which the Clerk will report:

The Clerk read as follows:

On page 117, commencing with the word "whenever" in line 23, strike out all down to line 9, page 118, and insert the following:

"The party producing a witness shall not be allowed to impeach his credit by evidence of bad character, but may contradict him by other evidence, and may also prove that he has made at other times statements inconsistent with his present testimony; but before such last-mentioned proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made such statements, and, if so, allowed to explain them."

Mr. RAY of New York. All I desire to say in regard to that is that the proposed amendment is the Massachusetts statute, which has worked very well, I am informed, but it is not the rule of law in my State and in some other States. I will consent to it as a compromise, however.

The amendment was agreed to.

The Clerk read as follows:

Amend the caption of section 1141 by adding thereto the words "or lunatic." Amend section 1141 by inserting in the eighth line thereof, after the word "copies," the words "of so much;" also by striking out in the same line the word "showing" and inserting in lieu thereof the words "as shows."

Mr. JENKINS. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Strike out in lines 17 to 22, inclusive, page 119:

"Amend the caption of section 1141 by adding thereto the words 'or lunatic.' Amend section 1141 by inserting in the eighth line thereof, after the word 'copies,' the words 'of so much;' also by striking out in the same line the word 'showing' and inserting in lieu thereof the words 'as shows.'" And insert the same between lines 19 and 20 on page 121.

The amendment was agreed to.

Mr. SHAFROTH. Mr. Speaker, I desire to ask unanimous consent to return to page 91, for the purpose of offering an amendment.

The SPEAKER. The gentleman from Colorado asks unanimous consent to return to page 91 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. It is only a few words. Insert the words "not having a seal" after the word "Territory" in line 22 of said page.

The Clerk read as follows:

Page 91, line 22, after the word "Territory," insert the words "not having a seal."

Mr. JENKINS. I have no objection.

The SPEAKER. Without objection, the amendment will be agreed to. The Chair hears none.

The Clerk read as follows:

Amend section 1180 so that it will read as follows:

"SEC. 1180. WHAT IS USURY.—If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 10 per cent per annum, such person or corporation shall forfeit the whole of the interest so contracted to be received: Provided, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1880, relating to pawnbrokers."

Mr. UNDERWOOD. Mr. Speaker, I desire to offer an amendment. I wish to strike out the word "ten," in line 1, page 122, and insert the word "six." This provides that the legal rate of interest by written contract shall be 10 per cent in the District, whereas the same chapter only provides for 6 per cent where verbally made.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will read.

The Clerk read as follows:

In line 1, strike out "ten" and insert "six."

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk continued the reading of the bill.

Mr. JENKINS. Mr. Speaker, on account of the shortness of the time, I desire to ask unanimous consent that the further reading of the bill be omitted, with the privilege that any gentleman on the floor who has an amendment to any part of the bill not read shall offer it and have it considered.

The SPEAKER. The gentleman from Wisconsin, by reason of the brevity of the time, asks unanimous consent that the rest of the bill be considered as read, reserving to each member the right to offer an amendment now that he has to offer to the remaining part of the bill.

Mr. UNDERWOOD. I would like to ask if there is any provision in that part of the bill that has not been read providing for an increase of salaries?

Mr. JENKINS. None whatever. We have just passed one, I will say to the gentleman, for a warden down here, but it has already passed the House, and we do it at the request of the Senate to keep it altogether uniform.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. JENKINS. I yield to the gentleman from Missouri to offer an amendment.

The SPEAKER. Every gentleman has the right to offer an amendment to the remaining part of the bill without being yielded to.

Mr. COWHERD. I want to call the attention of my colleague to page 90, an amendment to section 462.

The SPEAKER. It will require unanimous consent to go back to that part of the bill.

Mr. COWHERD. I want to call the gentleman's attention to it first, and then ask unanimous consent to go back. That amendment should be stricken out. It is an amendment put in by the Senate, and if it stays there, then it will have passed both the Senate and the House.

Mr. JENKINS. I have no objection to that being stricken out.

The SPEAKER. Without objection, unanimous consent will be given to return to that part of the bill.

There was no objection.

Mr. COWHERD. What I want stricken out is the words "except in cases before a justice of the peace." But strike out the amendment.

The Clerk read as follows:

Strike out lines 4, 5, and 6 on page 90.

The SPEAKER. Without objection, this amendment will be agreed to.

There was no objection.

Mr. COWHERD. I also desire, on page 92, to strike out section 498.

The SPEAKER. Without objection, that amendment will be agreed to.

Mr. JENKINS. I have no objection to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the amendments on lines 16, 17, 18, and 19, page 92.

The SPEAKER. Without objection, this amendment will be agreed to. The Chair hears none.

Mr. COWHERD. One other amendment, please, Mr. Speaker. I want to call my colleague's attention to the word "hirelings," on page 112. I think it was intended to be "hirings." The letters "el" should be stricken out of the word "hirelings."

Mr. JENKINS. The gentleman is correct.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. RAY of New York. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Insert in line 5, page 124, after the word "age," the following: "except for necessities."

Mr. JENKINS. I have no objection to the amendment being agreed to.

There was no objection, and the amendment was agreed to.

The SPEAKER. Is there any other amendment? If not, the question is on the substitute amendment as amended.

The question was taken, and the substitute amendment as amended was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAM W. KITCHIN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM W. KITCHIN. I desire to correct the RECORD.

The SPEAKER. That will be in order after this day's adjournment takes place.

The motion was agreed to; and accordingly (at 11 o'clock and 55 minutes a. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to the claim of Herman Uthoff—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting recommendation of an appropriation for payment of the claim of John Stewart, civil engineer—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads, reported the same without amendment, accompanied by a report (No. 2243); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, reported the same with amendments, accompanied by a report (No. 2244); which said bill and report were referred to the House Calendar.

Mr. GROW, from the Committee on Education, to which was referred the bill of the Senate (S. 4419) to incorporate the general education board, reported the same without amendment, accompanied by a report (No. 2245); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the joint resolution of the Senate (S. R. 105) supplementing and modifying certain provisions of the Indian appropriation act for the year ending June 30, 1903, reported the same without amendment, accompanied by a report (No. 2240); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 14353) to authorize the United States Commissioner of Fish and Fisheries to establish fish-cultural stations, including the purchase of sites, construction of buildings and ponds, and equipment; to establish in the State of Florida on the Gulf of Mexico a station for the investigation of problems connected with the marine fishery interests of that region; to provide for an investigation to determine the best available locality in Oregon or Washington at which to establish a biological station, making appropriations therefor, and for other purposes, reported the same with amendments, accompanied by a report (No. 2246); which said bill and report were referred to the Committee of the Whole on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11258) granting a pension to William F. Randolph, reported the same with amendment, accompanied by a report (No. 2198); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4710) granting a pension to Anna May Hogan, reported the same without amendment, accompanied by a report (No. 2199); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 14024) granting an increase of pension to John R. Curry, reported the same with amendment, accompanied by a report (No. 2200); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5402) granting an increase of pension to Hiram H. Thomas, reported the same without amendment, accompanied by a report (No. 2201); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14355) granting an increase of pension to Timothy Donohoe, reported the same with amendment, accompanied by a report (No. 2202); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3567) granting an increase of pension to Peter J. Osterhaus, reported the same without amendment, accompanied by a report (No. 2203); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14136) granting an increase of pension to John D. Thompson, reported the same with amendment, accompanied by a report (No. 2204); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4783) granting an increase of pension to Mary Breckons, reported the same without amendment, accompanied by a report (No. 2205); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13411) granting an increase of pension to Clarence D. Hess, reported the same with amendments, accompanied by a report (No. 2206); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3041) granting an increase of pension to Emma F. Shilling, reported the same without amendment, accompanied by a report (No. 2207); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14273) granting a pension to John H. Whidden, reported the same with amendments, accompanied by a report (No. 2208); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5424) granting an increase of pension to Cynthia J. Shattuck, reported the same without amendment, accompanied by a report (No. 2209); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9691) granting an increase of pension to James H. Joseph, reported the same with amendment, accompanied by a report (No. 2210); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5141) granting an increase of pension to Charles Barrett, reported the same without amendment, accompanied by a report (No. 2211); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13848) granting an increase of pension to James H. Chedister, reported the same with amendments, accompanied by a report (No. 2212); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1184) granting a pension to Mary Florence Von Steinwehr, reported the same without amendment, accompanied by a report (No. 2213); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10214) granting an increase of pension to Henry Thomas, reported the same with amendments, accompanied by a report (No. 2214); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 896) granting an increase of pension to James E. McNair, reported the same without amendment, accompanied by a report (No. 2215); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13722) granting a pension to Edd Lodge, reported the same with amendment, accompanied by a report (No. 2216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5227) granting an

increase of pension to Elizabeth Whitty, reported the same without amendment, accompanied by a report (No. 2217); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2483) granting a pension to James A. Clifton, reported the same with amendment, accompanied by a report (No. 2218); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5214) granting an increase of pension to Charles F. Smith, reported the same without amendment, accompanied by a report (No. 2219); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13598) granting a pension to John J. Southerland, reported the same with amendment, accompanied by a report (No. 2220); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2048) granting an increase of pension to Lewis G. Latour, reported the same without amendment, accompanied by a report (No. 2221); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 636) granting an increase of pension to Benjamin S. Bogardus, reported the same with amendments, accompanied by a report (No. 2222); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4934) granting an increase of pension to Francis M. McAdams, reported the same without amendment, accompanied by a report (No. 2223); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11979) granting an increase of pension to William W. Anderson, reported the same without amendment, accompanied by a report (No. 2224); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2050) granting an increase of pension to Edward N. Goff, reported the same without amendment, accompanied by a report (No. 2225); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11485) granting a pension to Julia McCarthy, reported the same with amendments, accompanied by a report (No. 2226); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2389) granting an increase of pension to Benjamin S. Harrower, reported the same without amendment, accompanied by a report (No. 2227); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10876) granting an increase of pension to Joseph Mote, reported the same with amendment, accompanied by a report (No. 2228); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5650) granting an increase of pension to William R. Raymond, reported the same without amendment, accompanied by a report (No. 2229); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10005) granting an increase of pension to William A. Henderson, reported the same with amendments, accompanied by a report (No. 2230); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5466) granting an increase of pension to Edgar T. Chamberlin, reported the same without amendment, accompanied by a report (No. 2231); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14477) granting a pension to John Bruff, reported the same with amendment, accompanied by a report (No. 2232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5007) granting an increase of pension to James Irvine, reported the same without amendment, accompanied by a report (No. 2233); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7018) granting an increase of pension to Jason E. Freeman, reported the same

with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8825) granting an increase of pension to Lizzie I. Rich, reported the same with amendments, accompanied by a report (No. 2235); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5920) granting a pension to Washington T. Filson, reported the same with amendments, accompanied by a report (No. 2236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13547) granting a pension to David B. Wood, reported the same with amendments, accompanied by a report (No. 2237); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12563) granting an increase of pension to Horace Fountain, reported the same with amendment, accompanied by a report (No. 2238); which said bill and report were referred to the Private Calendar.

Mr. JOY, from the Committee on Accounts, to which was referred the House resolution (H. Res. 243) providing two additional clerks for the Committee on Enrolled Bills, reported the same without amendment, accompanied by a report (No. 2239); which said report was ordered printed.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 8260) for the relief of F. H. Driscoll, reported the same without amendment, accompanied by a report (No. 2241); which said bill and report were referred to the Private Calendar.

Mr. STORM, from the Committee on Claims, to which was referred the bill of the Senate (S. 4903) for the relief of Emma Morris, reported the same without amendment, accompanied by a report (No. 2242); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 831) granting an increase of pension to Fannie M. Lorain; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14695) for the protection of the President, Vice-President, and any person acting as President of the United States—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: A bill (H. R. 14696) for the relief of the widows and orphans left destitute by the recent mine explosion in Tennessee—to the Committee on Appropriations.

By Mr. FOSS: A bill (H. R. 14697) regulating the duties and fixing the compensation of the customs inspectors of the port of Chicago—to the Committee on Ways and Means.

By Mr. FOWLER: A bill (H. R. 14698) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States"—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 14699) for the erection of a monument to the memory of Brig. Gen. Nathaniel Lyon at St. Louis, Mo.—to the Committee on the Library.

By Mr. McCLEARY: A bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska—to the Committee on the Public Lands.

By Mr. SHERMAN: A resolution (H. Res. 270) for a rule for the consideration of S. R. 105, supplementing and modifying certain provisions of the Indian appropriation act—to the Committee on Rules.

By Mr. MOODY of North Carolina: A resolution (H. Res. 271) for a rule for the consideration of H. R. 13523—to the Committee on Rules.

By Mr. COCHRAN: A resolution (H. Res. 272) requesting the President to furnish information of the investigation of the alleged maintenance of the British military supply camp in the State of Louisiana—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURK of Pennsylvania: A bill (H. R. 14700) granting a pension to Frederick Agastoff—to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 14701) granting a pension to Mary A. Peters—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 14702) for the relief of the heirs of A. G. Compton and J. R. Herndon—to the Committee on Claims.

Also, a bill (H. R. 14703) for the relief of the heirs of A. G. Compton—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 14704) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14705) to increase the pension of Lucien Bonapart Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14706) granting a pension to Harrison N. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14707) granting an increase of pension to Albertus Leovisin Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14708) granting a pension to James W. McCune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14709) granting a pension to James R. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14710) granting a pension to John Snay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14711) granting a pension to John Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14712) granting a pension to Alice Harrison—to the Committee on Pensions.

Also, a bill (H. R. 14713) granting a pension to Emma A. Baxter—to the Committee on Pensions.

Also, a bill (H. R. 14714) to enable Fredrich Burckhardt to make application to the Commissioner of Patents for the extension of letters patent—to the Committee on Patents.

By Mr. COUSINS: A bill (H. R. 14715) granting an increase of pension to Edward Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14716) granting an increase of pension to Jeremiah S. Alexander—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 14717) for the relief of John W. Foster—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 14718) granting a pension to Martin H. Gerry—to the Committee on Pensions.

By Mr. GOOCH: A bill (H. R. 14719) granting a pension to Nettie Hume, widow of W. R. Hume—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14720) granting a pension to William R. Buford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14721) granting a pension to Jasper Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14722) granting a pension to C. H. Conn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14723) to remove the charge of desertion against W. H. Liler—to the Committee on Military Affairs.

Also, a bill (H. R. 14724) to remove the charge of desertion against Jordan Kidwell—to the Committee on Military Affairs.

By Mr. HANBURY: A bill (H. R. 14725) to correct the military record of Michael Keegan—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 14726) granting an increase of pension to Hiram Booth—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 14727) granting a pension to Eliza A. McWilkie—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14728) granting a pension to John Maldoon—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14729) granting an increase of pension to Lee P. Garrett—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 14730) granting an increase of pension to John M. Koffenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14731) granting a pension to Martha Day, widow of Harrison Day—to the Committee on Invalid Pensions.

By Mr. SKILES: A bill (H. R. 14732) granting an increase of pension to Grace M. Read—to the Committee on Pensions.

By Mr. COCHRAN: A bill (H. R. 14734) for the relief of John F. Tyler—to the Committee on Military Affairs.

By Mr. BRUNDIDGE: A bill (H. R. 14735) granting an increase of pension to Samuel H. Crawley—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 14736) for the relief of Thomas B. Bird—to the Committee on Military Affairs.

Also, a bill (H. R. 14737) granting an increase of pension to James A. Cilley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of William T. Campbell Post, No.

375, of Normalville, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. ADAMS: Resolution of the Shoe Manufacturers' Association of Philadelphia, Pa., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of members of the bar of Muscogee superior court, favoring the sitting of circuit court of appeals at Atlanta, Ga.—to the Committee on the Judiciary.

By Mr. BURK of Pennsylvania: Resolutions of the National Business League, of Chicago, Ill., for the establishment of a department of commerce and labor—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Shoe Manufacturers' Association of Philadelphia, Pa., against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of citizens of Ragged Top, S. Dak., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of Vandalia Post, No. 466, Grand Army of the Republic, Department of Missouri, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. CONRY: Resolution of the Norwood, Mass., Board of Trade, in favor of a permanent exposition at Shanghai, China—to the Select Committee on Arts and Expositions.

Also, resolutions of the city councils of Malden and Somerville, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Keokuk Dental College, Keokuk, Iowa, favoring the passage of House bill 13971, in relation to dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. CROMER: Resolutions of the common council of New Britain, Conn., and Yonkers Republican general committee, of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of John W. Foster, of the State of Arkansas, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of D. W. Evans and other citizens of Boone County, Ark., for relief—to the Committee on Appropriations.

Also, petition of J. L. Longroth, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions of thirty-sixth annual encampment of the Department of Illinois, Grand Army of the Republic, in relation to the perpetuation of the Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. GOOCH: Resolutions of Turn Gemeinde, of Covington, Ky., advocating the adoption of a resolution of sympathy for the Boers—to the Committee on Foreign Affairs.

Also, resolution of North American Gymnastic Union of Covington, Ky., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH: Petition of Hon. S. A. Barnes and 150 other citizens of Seymour, Ind., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of North American Gymnastic Union of Evansville, Ind., in opposition to the passage of House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. JONES of Washington: Resolutions of the city council of Tacoma, Wash., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of W. H. D. Blake and 20 others, of Ettinge Post, Grand Army of the Republic, New Paltz, N. Y., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of sundry citizens of Maysville, Ky., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KERN: Resolutions of the Central Trades and Labor Union of East St. Louis, Ill., in support of House bill 3057, for the enactment of irrigation legislation—to the Committee on Irrigation of Arid Lands.

Also, memorial of Department of Illinois, Grand Army of the Republic, favoring the retention of three commissioners for national military parks, etc.—to the Committee on Military Affairs.

By Mr. MANN: Resolutions of thirty-sixth annual encampment of the Department of Illinois in relation to Vicksburg Military Park—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of the board of aldermen of the city of Boston, Mass., and city council of Malden, Mass., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petitions of citizens of the State of Wisconsin in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PADGETT: Petition of Julia Gailey, widow of Hiram Gailey, of Wayne County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: Resolutions of United Mine Workers' Union No. 1687, of Seek; No. 1688, of Delaware; No. 1638, of Mount Pleasant, and No. 1464, of Girardsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Petition of the heirs of Thomas Cooksey, deceased, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolutions of Atlantic Coast Firemen's Union and Clothing Cutters and Trimmers' Association, of New York City, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of the common council of New Britain, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Kentucky: Petition of citizens of Ohio County, Ky., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of the common council of New Britain, Conn., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Connecticut Electric Medical Association, favoring a physiological and psychological laboratory—to the Committee on Agriculture.

By Mr. SULZER: Resolutions of Atlantic Coast Marine Firemen's Union of New York City, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Resolution of the Fitchburg Benevolent Union, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, May 27, 1902.

Prayer by Rev. W. E. PARSON, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

NONDISAPPEARING CARRIAGES.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, tables prepared by the Chief of Ordnance, showing the number of barbette carriages which have been manufactured in each year since July 1, 1893, with the price paid for manufacture, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF NAVAL OPERATIONS IN THE PHILIPPINES.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 17th ultimo, a statement prepared by the Paymaster-General of the Navy relative to the amount of money expended, the amount for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands each year from May 1, 1898, to the present time. The Chair is in doubt as to what committee this communication should be referred, and suggests that, if there be no objection, the communication, with the accompanying papers, will be ordered printed and referred to the Committee on the Philippines.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3208) to authorize the Commissioners of the District of Columbia to refund certain license taxes; and

A joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902.

The message also announced that the House had passed with an amendment the bill (S. 4927) granting an increase of pension to